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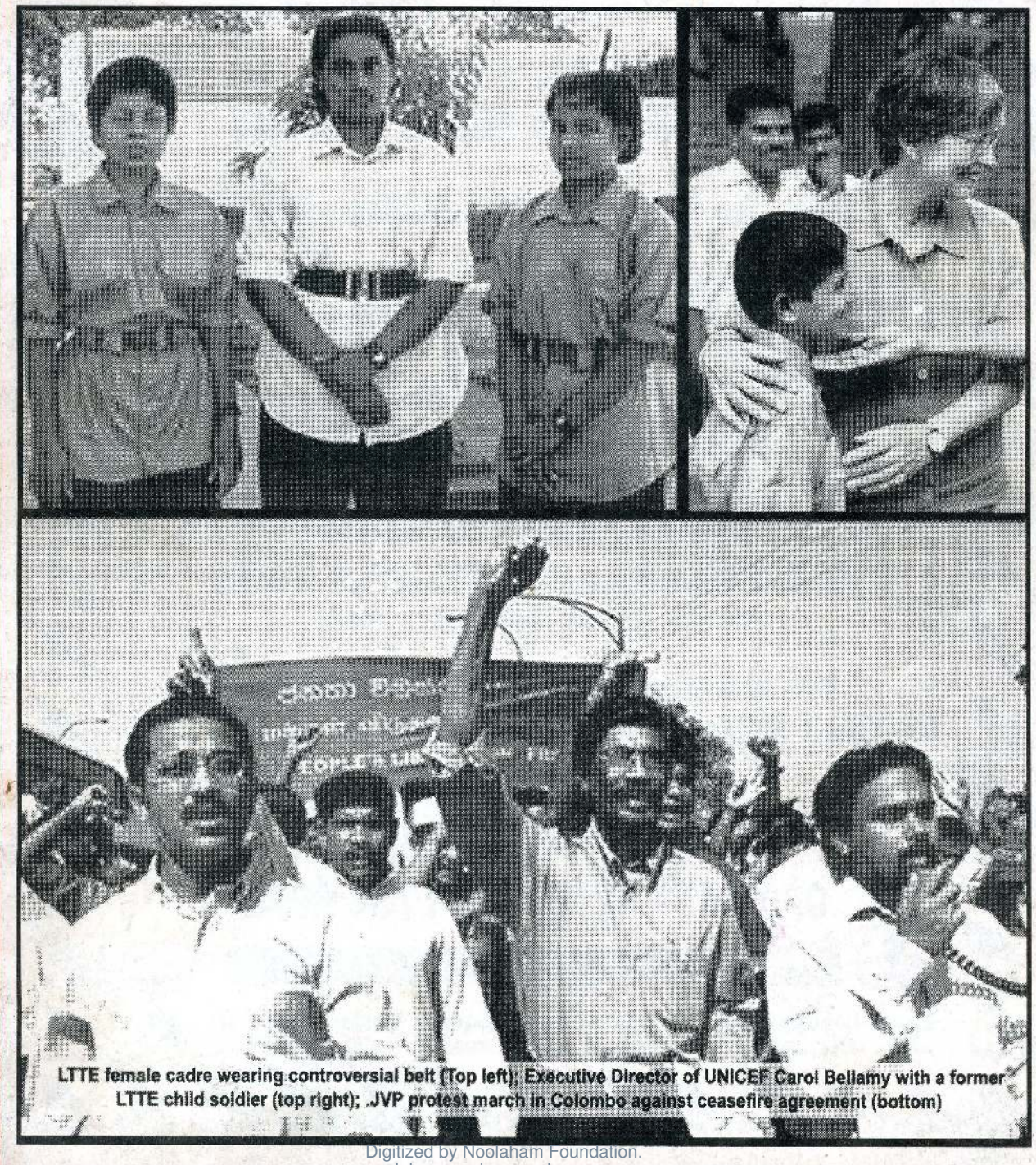

LTTE female cadre wearing controversial belt (Top left); Executive Director of UNICEF Carol Bellamy with a former LTTE child soldier (top right); JVP protest march in Colombo against ceasefire agreement (bottom)

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-Voltaire

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The Ceasefire Anniversary

There have been previous ceasefire agreements during the protracted and brutal armed ethnic conflict in Sri Lanka. Following the Indo-Sri Lanka Accord of 29 July 1987, a ceasefire came into effect with the arrival of the Indian Peace Keeping Force on the following day. The ceasefire came to an end with the commencement of the military confrontation between the LTTE and the IPKF on 9 October 1987. That ceasefire lasted just two months and 10 days. During the talks between the Premadasa Government and the LTTE in 1989-90 the fighting continued until the departure of the IPKF on 31 March 1990 when a ceasefire came into effect. That ceasefire broke down, again just after two months and 10 days with the resumption of armed hostilities between the LTTE and government forces on 10 June 1990. Following commencement of talks between the Chandrika Kumaratunga Government and the LTTE in late 1994, a ceasefire agreement came into effect on 8 January 1995 which came to an abrupt end on 18 April 1995 with the LTTE sinking two navy gunboats anchored in the Trincomlee harbour. Strangely coincidental as it might seem, that ceasefire too had lasted just two months and 10 days. Judged by past experience, it looked as if the maximum period during which the warring parties could restrain themselves from fighting was just two months and 10 days.

In this backdrop, the fact that the ceasefire agreement signed on 22 February 2002 between the Government and the LTTE had lasted a year and reached its first anniversary must the regarded as an achievement itself, and for this both parties must be congratulated.

For the first time in two decades, a people beleaguered by the tragic experience of a continuous war have been able to experience a period of relative calm resulting from the absence of fighting between the parties. Therefore, celebrations were in order, and the Government led the way to mark the occasion by organinsing many events including the lighting 'lamps of peace' at a public ceremony at the country's Independence Square. Many intercultural events and public exhibitions were held in several parts of the country. All these events manifested the people's hope, faith and expectation that the ceasefire will last and a truly enduring peace will return.

All the indications are that the overwhelming majority of the people belonging to all communities do not want a return to war and they want the peace process to proceed to a successful conclusion. The main theatre of war having been the areas of the Northeast of the island, it is there the people suffered the worst and therefore the desire and wish for the continuation of the peace process is most evident.

It is to be noted that the fifth round of peace talks in Berlin indicated further progress being made. That the parties have agreed to address the human rights dimension of the peace process and the issue of recruitment of child soldiers is to be welcomed. The international Human Rights Adviser, Mr. Ian Martin (former Secretary General of Amnesty International), is to draw up a roadmap for human rights issues relating to the peace process. The draft roadmap will be prepared for discussion at the next round talks in March and will include substantive human rights activities and commitments to be implemented throughout the negotiation process and effective mechanisms for the monitoring of human rights training of LTTE cadres and Government officials in human rights and humanitarian law training of police and prison officers.

During these talks, the LTTE also agreed to work with UNICEF to draw up an action plan for children affected by the armed conflict in the northeast. Such an action plan will include an intensified effort by the LTTE to stop underage recruitment. The LTTE restated its pledge to bring the practice to an end. The LTTE has agreed to a complete cessation of recruitment of, and recruitment campaigns aimed at, persons under 18 years of age.

It is unfortunate that in the run up to the first anniversary certain incidents involving the violation of the ceasefire agreement occurred that cast a shadow over not only the anniversary celebrations, but also the fifth round of peace talks between the Government and the LTTE in Berlin. To the credit of the parties, with the assistance of the international Sri Lanka Monitoring Mission, they have somehow succeeded in managing these disputes without putting the entire peace process at risk. The parties must recognise that highly publicised incidents of serious violations of the ceasefire agreement accompanied by orchestrated hartals, demonstrations and protest marches will not only damage the relations between the parties but also undermine public confidence in the entire peace process.

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PEACE TALKS: FIFTH ROUND

The fifth round of direct talks between the LTTE and the Sri Lankan government was held in Berlin on 7-8 February. The duration of the round has been shortened to enable the LTTE to complete internal consultations before the next stage of the peace process, according to a Norwegian statement.

"At the fifth session, the Government of Sri Lanka and the LTTE plan to focus discussions on their ongoing efforts to accelerate immediate humanitarian and rehabilitation activities. The parties also intend to begin consultations on matters relating to human rights, with the participation of Mr. Ian Martin as a resource person on the subject. As at the previous sessions, the Government of Norway will be present as the facilitator to the peace process, at the request of both parties," a statement issued prior to the talks by the Norwegian embassy had said.

The parties agreed to change the venue for the upcoming negotiations from Thailand to Europe at the request of Mr. Anton Balasingham, chief negotiator of the LTTE, who will travel to the talks from his residence in London," the statement said.

The Government delegation for the Berlin talks consisted of Ministers Mr.G.L. Peiris, Milinda Morogoda and Rauff Hakim, Secretary to the Ministry of Defence Mr. Austin Fernando and Mr. Bernard Gunatillake, Director of Sri Lanka's Peace Secretariat

The LTTE's delegations comprised Mr. Anton Balasingham, the LTTE's Chief Negotiator, his wife, Mrs Adele Balasingham, Mr. S. P. Tamilselvan, the head of the LTTE's political wing, and Colonel Karuna, Special Commander Batticaloa-Amparai.

Present at the discussions was also Mr. Ian Martin, a former head of Amnesty International, who was to advice the delegates on the human rights dimension of the peace process.

Before the talks it was announced that they were to comprise three sessions. The first would consider the report from the Sub Committee on Immediate Humanitarian and Rehabilitation Needs in the North and East (SIHRN). The delegates would also discuss "security matters" and "other humanitarian and development related matters including the resettlement of internally displaced persons (IDPs)."

At the second sessions, the two sides would discuss "political matters," and an "informal discussion on human rights." At the third sessions, the delegates were expected to discuss "matters raised in the first two sittings, as necessary," and about subjects for future discussions.

It was also announced that, "Dr. Astrid Heiberg, a professor of psychiatry at the University of Oslo, who has a broad experience in human rights and humanitarian advocacy has been appointed for the sub-committee on gender issues." A Norwegian Ministry of Foreign Affairs press release said, "At the request of the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE), Norway has appointed Dr. Astrid N. Heiberg as an advisor to the Sub-Committee on Gender Issues. Dr. Heiberg will be present at the first meeting of the Sub-Committee to be held in March. The parties to the peace process established the Sub-Committee to ensure the effective inclusion of gender issues in the peace process." Dr. Astrid N. Heiberg has broad experience with gender issues, human rights and humanitarian advocacy from Norway and internationally. For several years she has been involved in University co-operation between Norway and Sri Lanka, with the involvement of leading academics from Colombo, Jaffna and Batticaloa.

Even as the delegates gathered in Berlin for the talks, it was reported that three LTTE 'Sea Tigers' had committed suicide by blowing themselves up having set fire a trawler suspected of smuggling arms which had been interdicted by the Sri Lankan Navy. Government and LTTE delegates quickly issued a joint statement that the incident would not affect the peace talks. The statement said, "Due to an apparent communication failure between the LTTE naval commander and the cadres on board one vessel, the crew members were not informed of the agreed (inspections) procedure, and the cadre set fire to the vessel and took their own lives. In cooperation with the SLMM (Sri Lankan Monitoring Mission), the parties will review existing procedures in order to avoid similar incidents in the future."

Press Release

At the conclusion of the Berlin talks, a Norwegian embassy press release said that the Government and the LTTE negotiators had agreed to work out safeguards to prevent sea incidents such as the one off Delft in northern Sri Lanka from happening in the future, agreed to establish three committees in Eastern Province to address local land and other issues, agreed to request Mr Ian Martin to prepare for discussion a roadmap of human rights issues. LTTE also agreed to work with UNICEF on an action plan that would include an intensified effort by the LTTE to stop underage recruitment.

Full text of the Norwegian press release said:

"The Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE) held the fifth and shortened session of peace talks at the Norwegian Embassy in Berlin on 7 - 8 February 2003. The discussions focused on complex issues in a spirit of cooperation and conciliation.

The parties expressed their concern about the situation at sea and their strong commitment to ensure that an incident such as the one which resulted in the tragic loss of three lives on a Sea Tiger vessel near the Delft islands on 7 February 2003 does not recur. Recognising the gravity of the consequences of incidents of this kind, the parties agreed that a meeting will be held soon between the GOSL, LTTE and Sri Lanka Monitoring Mission (SLMM), to work out effective safeguards.

The parties reviewed progress reports on the work of the Sub-Committee on Immediate Humanitarian and Rehabilitation Needs in the North and East (SIHRN). Both parties underscored the urgent need to commence

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humanitarian and rehabilitation activities in the north and east. The parties reported that the agreement on World Bank custodianship of the Northeast Reconstruction Fund (NERF) is close to finalisation and will be signed within the next week. The parties once again appealed to the international community to make funds rapidly available for immediate humanitarian and rehabilitation needs in the north and east.

The parties reported that the implementation of the Action Plan for Accelerated Resettlement in the Jaffna district (ARP) is ahead of schedule. The seven Assessment Teams, comprising representatives from the GOSL, LTTE and UNHCR, have completed preliminary needs assessments and are identifying the activities required to facilitate resettlement. The parties also reported that the concept papers approved at the previous meeting of SIHRN on 15 - 16 January have been developed into proposals for concrete projects that can be approved and begun immediately. As requested by SIHRN at the last meeting, the report on the return of displaced Muslims in the Northern Province has been submitted for their consideration.

The parties agreed to establish three committees, one in each district of the Eastern Province, to address land issues and other areas of mutual concern. The committees will consist of six representatives of the Muslim population and six representatives of the LTTE. The work of the committees will start immediately. Similar committees will be appointed to address such issues relating to other communities as and when required.

Following a thorough discussion of human rights, the parties agreed to ask their international Human Rights Adviser, Mr. Ian Martin, to draw up a roadmap for human rights issues relating to the peace process. The draft roadmap will be prepared for discussion in the sixth session of talks in Japan in March and will include substantive human rights activities and commitments to be implemented throughout the negotiation process effective mechanisms for the monitoring of human rights training of LTTE cadres and GOSL officials in human rights and humanitarian law training of police and prison officers.

Both parties agreed that children living in the north east of Sri Lanka have been the most seriously affected by the war between the GOSL and the LTTE. UNICEF estimates that there are 900 000 children in the northeast, all of whom have been seriously affected. Many of these children are faced with malnutrition, poor health care and education facilities, continued displacement, loss of parents and families, and land mines. The LTTE has agreed to work with UNICEF to draw up an action plan for children affected by the armed conflict in the northeast. Such an action plan will include an intensified effort by the LTTE to stop underage recruitment. The LTTE restated its pledge to bring the practice to an end. The action plan will include a credible review mechanism. The LTTE has agreed to a complete cessation of recruitment of, and recruitment campaigns aimed at, persons under 18 years of age. In this context, the LTTE has handed over 350 children who had joined the organisation, for reunification with their parents or guardians. The plan will also include rehabilitation assistance, including provisions for schooling, vocational training, employment facilitation, and health and psychosocial care, with the active support of the government.

The parties intend to commence a discussion on the fiscal aspects of a federal structure at the next session. It was noted that the LTTE has already taken action to set up a Political Affairs Committee with a view to addressing in depth issues pertaining to alternative structures of power-sharing.

The parties confirmed that the sixth session of peace talks will take place on 18 -21 March 2003 in Japan and that the seventh session will be held on 29 April-2 May 2003."

Mr Anton Balasingham, told a press conference held at the conclusion of the fifth round of peace that the image of the LTTE has been damaged severely due to recruitment of children less than 18 years of age to the organisation in spite of orders to regional leaders from Tiger leader Velupillai Prabakharan to refrain from recruitment of under aged children. The situation has become so serious that in order to control the situation the LTTE has formulated a course of action with assistance from UNICEF and a detailed report was tabled at the conference, . Balasingham said.

The LTTE and the UNICEF would work out a joint programme to stop child recruitment or voluntary enlistment by the LTTE. LTTE's Anton Balasingham said the decision was conveyed to the Sri government delegation on the first day of the fifth session of talks as it was known that the government delegation was awaiting an assurance from the Tigers on the issue of child recruitment. Balasingham said that, according to the program, the LTTE, the UNICEF and the Tamil Rehabilitation Organization(TRO) would start vocational training centres in the North East and their work would be overseen by top officials. He claimed some parents sent their children to join the LTTE due to poverty but LTTE leader Velupillai Prabhakaran would advise his regional leaders to refer such children to the training centres. Dr. Balasingham also said the list of 350 names of children submitted by the SLMM had been looked into and it was found that a majority of them were not under 18 years. He said the LTTE would issue a statement giving details of them to the government and the UNICEF soon.

Rejecting the suggestion that the incident in the seas off the Delft island confirmed that the Tigers were indulging arms smuggling while being engaged in peace talks, Balasingham, said that in the LTTE's Sea Tiger force there were many fishing trawlers and all of them were fitted with 23mm cannons and in one such trawler that went fishing, the engine had stalled and another trawler had come to take it ashore and then the Navy had moved into take both trawlers into custody, when the LTTE cadres threatened to commit suicide and only then the Monitors had moved in.

Prof. G.L. Pieris expressing his views about the incident said that this should never have happened, and if the incident affected the peace talks even a little, then the responsibility should be taken by the relevant parties. It is better if lessons were learnt and ensured that such incidents are not repeated. Prof. Pieris also said that in the next few days, the government, the LTTE and the SLMM would hold a special meeting to find out reasons for the incident and steps which should be taken to ensure no repetition in the future, and the LTTE had expressed its total cooperation for it.

Prof. Pieris said that both parties agreed to include matters in relation to a political solution in the agenda for the sixth round of peace talks to be held in Japan. ❐

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The Peace Process: A Year After Ceasefire

Jehan Perera

One of the most positive developments of recent times has been the Japanese decision to get more involved in purposefully nurturing the Sri Lankan peace process rather than only funding the country's development efforts. Media reports that the Japanese government had provided financial assistance to an LTTE secretariat led to media speculating as to the impact on relations with India. However, the Japanese government was swift to point out that what it had funded was actually the joint government-LTTE appointed secretariat of the Sub-Committee on immediate Humanitarian and Rehabilitation Needs based in the Wanni.

There is a continuing belief within Sri Lanka that the Indian government is loath to see outside powers expanding their influence in its neighbourhood. It is likely that the Sri Lankan government would have informed the relevant Indian authorities about the Japanese initiative prior to its acceptance. India is Sri Lanka's closest neighbour and has legitimate interests as the regional superpower.

From a Sri Lankan perspective, the greater involvement of the Japanese government in the peace process is to be welcomed. Sri Lanka's foremost need is to resolve its ethnic conflict without any more violence. Japan is by far the country's largest aid donor and it can easily contribute even more should it be properly motivated to do so. When the LTTE made its own decision to seek Japanese financial assistance to equip its peace secretariat, it would have done so with the full knowledge that it was taking a decision that it could not lightly reverse. A country of Japan's peaceful and democratic standing cannot explain to its taxpayers that it gave money to an organisation that went back to war. In accepting the funding, the LTTE has made yet another international commitment to the peace process. And Japan has taken on a responsibility to ensure that the peace process is a success.

It has been a feature of the Sri Lankan peace process that very important gestures by the LTTE are consistently downplayed and trivialised by sections of the Sinhala nationalist opinion instead of resorting to the alternative course of seeking to hold it to its words. One of the biggest breakthroughs of the present peace process was the public announcement by the LTTE's chief negotiator at the current peace talks that the LTTE would be prepared to settle for a federal solution. The international media and most analysts viewed this statement as setting the basic parameters within which a negotiated settlement may be found.

Critical view

However, locally in Sri Lank itself, the response to Dr Anton Balasingham's pronouncement on federalism during the Oslo talks was viewed in a more qualified manner. Analysts pointed critically to the text of the official statement by the Norwegian facilitators that stated that the LTTE and Sri Lankan government had agreed only to explore a federal solution, and this was not equivalent to actually accepting one. The continuing gap between the LTTE's words and deeds, especially pertaining to the human rights situation on the ground, makes this a plausible line of argument. The LTTE negotiators and top leadership has repeatedly denied child recruitment is taking place any longer, but it is. They have also verbally accepted that the north-east constitutes a plural society in which democracy should prevail, but on the ground the Muslims and rival Tamil parties find themselves oppressed.

The doubt that is fanned out of the disjuncture between the LTTE's words and deeds pertains to its sincerity in the peace process. Those who go on the basis of what is happening on the ground have doubts regarding the LTTE's sincerity to actually negotiate a compromise settlement on the lines of generally accepted federal models. The Presidential spokesman's comments that the LTTE has recruited an additional 10,000 cadre since the commencement of the ceasefire agreement and thereby vastly increased its manpower strength, coupled with the findings of the international monitors about continuing child recruitment, give credence to these apprehensions.

The reports of those who have visited those parts of the north and east where child recruitment is taking place and people are being harassed and intimidated into paying LTTE taxes are gloomy in the extreme. However, those who have also had the opportunity of having face-to-face interactions with the top leadership of the LTTE tend to come away with a different perception. Members of international fact finding missions and aid donors, as well as organisations working directly with the top leadership of the LTTE depict a more optimistic situation in which the LTTE is indeed committed to the peace process.

The question is to explain this disparity between the ground reality and the impressions given by the LTTE's top leadership. The LTTE's concern is undoubtedly to maintain its monopoly of control over the territories it has already acquired though military means. It is also seeking to exert its influence over the rest of the north and east in which the government's security forces are present. While trying to maximise its control on the ground at the present time, the LTTE's request for funding to its peace secretariat suggests that it is also seeking to re-orient its cadre away from war to peace time duties. This is likely to be an uphill task for the LTTE, with severe capacity problems standing in the way of such a re-orientation programme.

International delegations and others visiting the LTTE's Wanni headquarters speak of the bottlenecks they face with very few personnel who have the linguistic and technical backgrounds to engage with those from outside. As an organisation that waged a guerrilla war for over twenty years the LTTE has only a handful of cadre who are able to speak in English and have a background in human rights and political education. Further the LTTE's mistrust of outsiders has made them reluc-

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tant to bring in even Tamil expatriates to be the new leaders or even to be advisors for likely fear of losing control.

Lack of capacity

The problem that the LTTE is facing on account of its inadequate capacity to retransform itself politically needs to be appreciated at this time. Even if the LTTE leadership has the will they do not have the capacity. But they need to develop their capacity to respect human rights and political rights on a priority basis as a foundation for a democratic society. This is a problem that the government also faces in a different area. The slowness and lack of visible progress of the rehabilitation and development programme of the government in the north-east is making the people there have their own doubts about the government's commitment and sincerity to uplift the conditions of the people of the north and east.

The observations made by Parliamentary opposition leader Mahinda Rajapakse upon returning from a visit to Jaffna recently needs to be taken seriously in this regard. He spoke of the lack of development in that part of the country. While it is a damning indictment on Sri lank politics that it took so long for a leader of the opposition to visit Sri Lanka's second largest city and meet its people, it is a case of better late than never. Mahinda Rajapakse's indictment of the government was equally strong. He said that the government had appointed a plethora of Ministers and set up agencies to deal with the rehabilitation and development of the North. Despite several Ministers going to Jaffna with great fanfare and making all sorts of promises, very little change had taken place on the ground.

When the government Ministers go to Jaffna and make promises they certainly mean them. They see the immensity of the destruction, the poverty of the people and their hopes for a peaceful and normal future. Therefore the Ministers want to do something positive for the people Their failure to deliver on their promises is not due to deliberate ill will or deception but is because they do not possess the capacity to implement their promises. The government, as much as the LTTE, needs to strengthen its capacities to implement its promises to ensure peace and prosperity to the people of the north-east.

As in every sphere of human endeavour there is a need to hold parties to their words. The role of the media, civil society and the international community is to be supportive of such requests for capacity building, while being watchdogs of the peace process. The Japanese offer of assistance to the LTTE peace secretariat needs to be seen in this light. The day that the LTTE agree to demobilise their child soldiers and to permit international verification of this fact would be a turning point of the internationally-mediated peace making effort.

Ensuring self-determination to all communities

For the first time in many years Independence Day on February 4 was celebrated not only with the appropriate pomp and pageantry, but also with the sense of security that ensures people's participation in the event. In the last several years Independence Day had become virtually an unofficial curfew day due to the threats to security. The LTTE attack on the Temple of the Tooth in Kandy just prior to the 50-year celebration of independence there made February 4 a special day to watch out for an LTTE attack.

This year, however, with the ceasefire agreement proving to be highly stable, and the government and LTTE forces behaving with a remarkable degree of discipline towards each other, the celebrations took place in grand style.

Independence day was celebrated as the day on which Sri Lankans received the right to self determination after nearly four and a half centuries of colonial servitude. By and large in the Sinhalese-majority parts of the country this positive sentiment prevailed.

However, in the Tamil-majority parts of the country, such as Jaffna, Batticaloa and the Wanni there were no celebrations. On the contrary people were asked to hoist black flags. Even prior to the commencement of the civil war in 1983, many political leaders and intellectuals among the Tamil community described February 4, 1948 as the day when they exchanged colonial rule by the British for similar rule by the Sinhalese majority. These negative sentiments about Independence Day prevail to this day.

The weekend media reported that school children from Jaffna who were expected to travel down to Colombo for the Independence Day celebrations had been prevented from doing so by an organisation called the Independent Students Consortium.

The principals of those Jaffna schools that were expected to send their school children to Colombo had reportedly been told that the government was trying to create a false impression that the people of the north and east were celebrating Independence Day when, in fact, they were not. The young activists had said that the independence granted in 1948 could not be considered as independence given to the Tamil people.

Negative Sentiments

On Independence Day 55 years ago the British colonial rulers transferred power to democratically elected leaders of Sri Lanka. The top leadership of the country to whom the power of governance was thus transferred comprised Sinhalese. This was inevitable considering that the great majority of people in the country were Sinhalese. But there were two problems in this transition that inexorably led to escalating ethnic conflict and eventual civil war. The first problem was that the British left behind a form of government in which all power was concentrated in a single political institution called Parliament that was based in Colombo. This concentration of power in a single institution made the constitution a unitary one. It also enabled the Sinhalese leadership in the country to wield that power unilaterally regardless of protests by leaders of the other much smaller communities. A preferable situation would have been for the British to have created a federal constitution in which one set of powers was vested in the central Parliament and another set of powers was vested in regional parliaments. This would have ensured that the Tamils who were a majority in the north and east could have enjoyed a measure of self determination in those parts of the country. But this was not to be. The second problem was that the Sinhalese and Tamil political leaders were unable to negotiate mutually acceptable solu-

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tions that would have been fair and just to all communities. It must not be forgotten that when it came to the citizenship laws that effectively disenfranchised the Tamils of recent Indian origin, there were Tamil leaders who gave it their assent.

Many years later, having observed the operation of the independent country in its first 15 years, the architect of the country's first post-independence constitution, Lord Soulbury, wrote an introduction to B.H. Farmer's book prophetically titled "Ceylon: A nation divided." (1963) in which he began, "A Commission of which I had the honour to be the Chairman, was appointed by the British government in 1944, to examine and discuss proposals for the constitutional reform of Ceylon." Lord Soulbury went on to say, "Needless to say the consequences have been a bitter disappointment to myself and my fellow Commissioners."

Federal solution

The rise of Tamil militancy was an outcome of political mismanagement coupled with an inappropriate structure of government. It led to a Tamil consensus on the Thimpu principles of 1985 that claimed the Tamils to be a nation endowed with the right of self determination in their traditional homeland comprising the Northern and Eastern provinces. Fortunately, after nearly twenty years of bloody civil war there is now a growing consensus on a federal solution. This consensus was given a powerful boost during the third round of government-LTTE peace talks in Oslo in November last year. Both parties publicly agreed to explore a federal solution within a united Sri Lanka. The government and LTTE's public acceptance of a federal solution within a united Sri Lanka signifies an end to the legitimacy of ethnic separatism in the Sri Lankan context so long as good faith prevails in the government's pursuit of a political solution. In the 55th year of Sri Lanka's independence, the key has been found to a permanent solution to the national question. It is recognising that the minority communities have territorial bases in which they have a right to self determination. Out of a sense of participating in the governance of a part of Sri Lanka, they will feel a sense of being co-equals with the majority community in the larger whole.

While the success of the ceasefire agreement has been to stop the war and bring the LTTE into the framework of mainstream governance, the greater challenge of the peace process will be to evolve a permanent political solution that meets the aspirations of all the communities living in the island. By virtue of its focus on the government and LTTE, the ceasefire agreement has tended to leave out other important actors on the national scene. These include the President, the opposition political parties and the Muslim community who feel that their interests are not being secured in the course of the current peace process.

There was a massive demonstration recently by Muslims in the east, with some estimates going beyond 60,000. The demonstrators called for the recognition of a Muslim homeland in the north and east, and of their own right to self determination. This cry is a reflection of their apprehension that they will be cut out of the peace deal being

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struck between the leaders of the Sinhalese and Tamils. The government's priority desire to accommodate the LTTE in the peace process means that it will not be so keen to press for the rights of the Muslim people when they clash with Sinhalese or Tamil (or LTTE) interests. The apprehension of the Muslim population is that neither the government nor the LTTE would look after their interests.

The recognition of homelands or areas of traditional habitation has been viewed in the past as threatening to the country's territorial integrity and as paving the way to ethnic separatism. Sri Lankans need to get past this old way of thinking. One of the specific demands emanating from the Muslim community in the east is for a Muslim majority area of political autonomy. Even if this territory is small, its recognition is important to the Muslims. It would symbolically and psychologically make them co-equals along with the Sinhalese and Tamils as equal constituent partners in the Sri Lankan polity. The right of self determination is for all communities. And its institutionalisation in a new constitutional framework will be a day of celebration for all Sri Lankan people.

Strengthened international monitoring needed

Three incidents that took place back to back in which government and LTTE forces have clashed in the space of ten days cast an ominous shadow over the peace process. First was the apprehension of an LTTE vessel carrying weapons at sea. This was in violation of the ceasefire agreement that forbids the two sides from transporting military equipment into territory controlled by the other. The fact that such arms shipments were taking place had been suspected since the beginning of the ceasefire. This time the evidence was out in the open due to the international monitors of the Sri Lanka Monitoring Mission being on the scene.

But this incident, by itself, did not threaten the ceasefire. Both the navy and the LTTE acted with caution not to further escalate the situation. The navy did not forcefully attempt to board the apprehended LTTE vessel on its own, but acted in concert with the international monitors.

The LTTE cadre would have been ordered by their high command on shore to destroy themselves and the evidence, but not to harm the navy. Three LTTE cadres lost their lives as a result. But an armed clash between the two sides was kept at a safe distance.

The second incident that highlighted the tensions in the peace process occurred a few days later when a group of LTTE cadre, including women cadre, entered government-controlled territory in Jaffna. According to the ceasefire agreement they are permitted to do so, providing they are unarmed and out of uniform. But the women cadres were wearing the trademark belts that distinguish them from ordinary civilians. The army's efforts to remove the belts led to a physical clash in which both the LTTE cadres and civilians supportive of them had been injured.

The third incident was at the Muhamalai checkpoint area which separates LTTE controlled territory from government-controlled territory in Jaffna. A soldier who had crossed over from government lines into either the no-man's zone area or onto the LTTE side had been shot dead. Whether this was because the LTTE acted in self-defence as they claim or because they wanted to teach the army a lesson is under investigation. This incident is likely to further sour relations between the two sides at the ground level.

The question is whether these incidents will lead to a total breakdown of the ceasefire. There are precedents in which major and minor incidents led to the breakdown of ceasefires.

The breakdown that took place in October 1987 occurred when the Sri Lanka army apprehended LTTE cadres caught ferrying weapons at sea and tried to take them to Colombo. Another breakdown of a ceasefire took place in June 1990 when an alleged incident of harassment of a civilian working for the LTTE rapidly escalated into full-scale war. The last occasion on which a ceasefire broke down totally was in April 1995.

LTTE strategy

The damage to the LTTE's international image and to the larger Tamil cause by the last breakdown in 1995 cannot be underestimated. This is why the LTTE leadership has been repeating that they will not be the ones to break this ceasefire. Instead of crudely breaking the ceasefire and losing international credibility once again, the LTTE's strategy appears to be to expand their formal and informal control over the north and east at the ground level, without reverting to warfare.

In the Wanni a fortnight ago, the LTTE's administrative head assured a visiting group of civic activists that the LTTE would not re-start the war. In Dusseldorf, the LTTE's chief negotiator further elaborated the LTTE's rationale for not being the ones to break the ceasefire. He said that the LTTE wished to expose the Sinhalese polity as being the ones unable to agree to negotiate a just solution. But while these words are being said at the top levels and internationally, the reality at the ground level continues to be different.

In Jaffna which we also visited there were mixed messages about the future. There were civic leaders who complained of continuing efforts by the LTTE to recruit school children into their ranks. LTTE cadres were reportedly going to schools and private tutories and insisting on addressing the children. Their message was simple, but no different from that of Dr Balasingham's in Dusseldorf. It was that the Sinhala government would fail to deliver anything substantial for Tamils as in the past, and therefore war would take place. Further, the LTTE cadres reportedly say that when the next war comes Jaffna will be taken by them within 72 hours.

But despite these disturbing accounts about the LTTE's apparent preparations for war, the people of Jaffna seemed to have faith in the prospects for peace. They do not see the LTTE's efforts to build up its power and numbers as necessarily leading to war. One sign of hope was the evidence of people investing their personal funds in rebuilding their homes. But it is not as if Jaffna is undergoing a construction boom. There is no government-sponsored rebuilding or new buildings being put up by the private sector. Such rebuilding as is happening in Jaffna at this time is small scale, personally funded, and is taking place without fanfare. In fact it was not even visible to the road, taking place behind cadjan fences and inside homes. The people,

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of course, wish bigger developments to take place and bring them the economic dividends of peace. It is not only the government's inefficiency and disregard that is blocking those improvements. The LTTE's attitude towards activities by others who might get credit in the eyes of the people and its policy of taxation also act as deterrents to economic progress.

Neutral umpire

The example of private investment in housing, however, reveals that people who are living in the midst of the LTTE are reasonably confident about the prospects of peace. If not, they would not be investing their hard earned savings in brick and mortar that might be blown away by the bombs of renewed war.

But this does not also mean that the people are happy at what the LTTE is doing. There were complaints that the government was not doing anything to stop the LTTE from taxing them. They were also not happy about the growing presence of the LTTE in Jaffna, which made it difficult for them to express themselves without fear of getting into trouble.

The micro level calculation of individual households in the stability of the peace process is confirmed by the likely macro level calculation of the government and LTTE. Both sides are benefiting from the present peace process and they both need peace more than they need a renewed war at this time. The government needs peace to exist in the whole country in order to attract foreign and domestic investment that alone can solve the unemployment problem and raise living standards in the country. The LTTE needs the present peace process to continue in order to make further political inroads into those areas of the north and east that they could not militarily wrest from government control.

The logic of interest-based calculations strongly suggests that war between the government and LTTE is not likely. But the danger will always exist of situations spiralling out of control. As the LTTE becomes more and more dominant in the north and east, it is likely that there will be more and more stand off situations on the ground that involve government soldiers and LTTE cadres. The task of resolving these confrontations cannot be left to the troops on the ground. In situations of heightened emotion they cannot be expected to make decisions that lead to peaceful accommodations and wise compromises. The most realistic solution is to strengthen the role of the international monitors.

Following the incident at sea the SLMM has taken a decision not to directly investigate LTTE vessels. This is understandable. In the last incident, the monitors had to jump off the LTTE vessel after it had been set alight and before it exploded.

It is entirely understandable that the SLMM should not wish to endanger the lives of its monitors. But if the ceasefire is to be safeguarded in the longer term, and many more lives are to be saved, it is important that a neutral authority is ever present and ready to make a wise ruling and be a credible

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witness.

A year after ceasefire

Several celebrations of the first anniversary of the ceasefire agreement took place in Colombo on February 22. The main event, which was organised by the government, involved the lighting of lamps at a public ceremony held at Independence Square. As part of its celebration of the day, the government sent out directives to state institutions and schools to organise their own lamp lighting ceremonies in their premises. Widespread media coverage ensured that these celebrations reached into the homes and hearths of most of the people. The light of the lamps was meant to symbolise the hope that the ceasefire would be a lasting one.

The second event took place at the open-air auditorium of Colombo's main park. It brought in a strata of society that is normally untouched by the vicissitudes of life in the country. Youngsters from elite backgrounds and going to international schools organised a peace concert at Viharamahadevi Park. Some of the country's best known singers and bands rent the air with the sound of music till the wee hours of the morning. The organisers charged a hefty entrance fee, with the proceeds going to deprived schools in the north and east.

The third event was an exhibition of photographs under the theme of "A Year of Life" and sought to represent life before and after the ceasefire. It was held at the National Art Gallery and was organised by the National Peace Council. This three-day exhibition was supplemented by a cultural show at the New Town Hall that was organised in association with the National Youth Services Council and the Ministry of Relief, Rehabilitation and Refugees. The presence of the outgoing Norwegian ambassador Jon Westborg as a guest of honour was a token of the important role played by his country in the success of the peace process.

If people not involved in those celebrations had been asked, the vast majority would have expressed their fullest support for the ceasefire agreement. All public opinion polls conducted so far have revealed that 80 to 90 percent of people are in favour of the ceasefire agreement. These same surveys also show that most of them have reservations about some of the terms of the agreement and how it is being implemented. But virtually none of them, except for members of extremist political organisations, want the ceasefire to end and war to resume. Even though the economy is not yielding its potential riches to the masses of people, the peace dividend of being safe from bomb blasts is too valuable for people to disregard in their calculations of cost and benefit.

Justifications

It can be reasonably be deduced that the peace dividend accruing to the people living in the north and east is even greater than that to the people living outside it. The war was fought in the north and east.

The vast majority of bombings and killings took place there and not in the areas outside the north and east. Most of the north and east were subjected to a harsh economic embargo in which even medicines and sanitary clothes were restricted items. With the signing of the ceasefire agreement the economic embargo has been completely lifted. Due to the past destruction and loss of their homes the people of the north and east continue to be much more worse off than their counterparts outside of the north and east. But they are also a lot better off than what they were during the years of war.

It is in this context that black flags, hartals and shut down of normal life in parts of the north and east that accompanied the one year celebrations elsewhere in the country need to be critically examined.

The ostensible rationale for those protests was that the people's problems remain very burdensome to them and they are in no mood to celebrate at this time. A consortium of humanitarian agencies in Jaffna issued a statement to this effect and joined in the protests. However, they also expressed their legitimate concern that the violent incidents in recent times between the Sri Lankan military and LTTE forces could be a destabilising factor in the peace process.

The three incidents in the past month in which an LTTE arms boat was apprehended with its crew committing suicide, the clashes between Sri Lankan soldiers and LTTE cadres over belts worn by LTTE women cadre and the shooting dead of a Sri Lankan soldier who went beyond army lines are signs of a fraying at the edges. This apprehension is revealed in the statement of the NGO community in Jaffna. It serves to justify the LTTE remaining in a state of high alert in case of a breakdown of the ceasefire agreement.

The other ground of complaint highlighted in the NGO statement is the slowness of the relief and rehabilitation process in the north and east. The inability or unwillingness of the government to speed up this process and to enable the people to return to normal lives gives rise to a valid concern.

There is certainly a dearth of both human and financial resources for the government to deploy. But the government's slowness can be used to justify the LTTE's need to remain strong as they are the only ones with the power to compel the government to deliver on its to the Tamil people.

But despite the continuing difficulties of life in the north and east, the fact remains that life there is vastly better than what it was before the signing of the ceasefire agreement. The natural inclination of people would be to celebrate the anniversary of any substantial improvement in their lives. The ending of war for a year is of the highest importance to people.

The absence of public celebration of the one year of ceasefire appears to stem more from the LTTE's needs rather than from those of the people. The LTTE's refusal to permit the opening of the Jaffna public library earlier this month could be cited as an example. After a year of ceasefire the LTTE's agenda dominates the life of the people of the north and east.

During this past year the LTTE has been continuing to build up its strength using the resources of the people of the north and east. Perhaps to make up for the reduced flow of funding from the expatriate Tamil community, it is taxing the Tamil people of the north and east very heavily and recruiting their children even forcibly. It is therefore necessary for the LTTE to use every opportunity to justify what might otherwise, in normal times, be publicly seen and denounced as anti-people measures.

Four challenges

The contrasting publicly displayed attitudes to the one year of ceasefire in

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the north and east and the rest of the country reveals the four challenges that lie ahead as the country enters the second year of ceasefire. The first is to shift from a mentality of war to that of peace. The readiness to utilise war as a means of attaining political objectives has not been totally discredited in the country. The very large demonstration organised by the JVP against the ceasefire agreement two days prior to the one year celebrations shows that pro-war sentiment exists in sections of the polity.

The second challenge is for the government to find a way out of the practice of partisan politics in relation to the ethnic conflict. The government must find a way to win over the mainstream opposition to the peace process. Achieving a bipartisan approach to the ethnic conflict has been a long standing need in the country and a long standing goal of civic organisations. Business organisations in particular need to strengthen their initiatives in this regard instead of being satisfied that their efforts contributed to the signing of the ceasefire agreement.

The third challenge for mainstream society is to change its mindset from Colombo-centred thinking to regional-based thinking. This is necessary to pave the way for a change of the constit-ution and governing structures from a unitary one to a federal one. The setti-ng up of joint government-LTTE institutions to decide on the rehabilitation and reconstruction of the north and east is a positive step in this direction. The government members of these bodies should be prepared to take speedy decisions, together with the LTTE, so long as those decisions are in the interests of the people of the north and east. The fourth challenge is for the LTTE to change its militaristic approach to power and progress towards a democratic approach.

This would require that the LTTE embarks upon a course of re-education for its cadres so that they do not order the people about and impose their views upon them. Getting the people to put up black flags, close their shops and stay indoors on the first anniversary of the signing of the ceasefire agreement is not the way to win the hearts and minds of people, whether in the north and east or elsewhere. The people in the south need to feel that there is goodwill and cooperation coming from the north-east. ❐

US on 'Hard Choices' for Government and LTTE

Richard Armitage

*The following are excerpts from the keynote address by **Richard Armitage**, Deputy U.S Secretary of State at a conference on "Sri Lanka: Prospects for Peace" held at the Center of Strategic and International Studies (CSIS) in Washington D.C on 14 February:*

Given these priorities, I think it is important to start today's discussion on Sri Lanka with a baseline question: why should the United States invest significant attention and resources to Sri Lanka, especially at a time when we have such overwhelming competing interests? Should the United States play a role in this peace process?

Now, I believe the right answer is that the United States should play a role. And there are many credible explanations as to why. There is the pull of opportunity, of ending years of death and years of destruction and bolstering a multiethnic democracy. In the more direct bilateral sense, Sri Lanka is already a solid exporter to the United States and has the potential with peace and the right reforms to become a significant trade partner. And then there is the push of danger. As we have found out far too often, terror and human misery generally will not ebb away on their own or stay neatly within borders if we look at them as someone else's problem.

I have no doubt that the many experts Tezi [Schaffer] has assembled in this audience could provide more answers to my baseline questions. And when taken together, these answers may even add up to a compelling justification. But the problem is that these answers do not really constitute a clear strategic impetus for the United States or for other nations outside of Sri Lanka's immediate neighborhood, particularly in a time of war and economic uncertainty. It would be tough to make a truly convincing case by sticking to the terms of strict self-interest.

For me, the bottom line in this instance is simple. The United States should be playing a role, in concert with other nations, committing our human and financial resources to settling this conflict because it can be done. And because it's the right thing to do. Because the parties to the conflict appear to be ready to reach a resolution, more so than at any other time in the past twenty years. And because it may well be that it is a resolution that can only be reached with the help of multilateral resources, both moral and material.

Indeed, this may be a key moment, when an infusion of such international support can add momentum to the peace process, helping to stop 20 years of abject human suffering and to smooth the ripples of grief and terror that have spread from this tiny island nation through the region and even around the world. This may be the moment when international support can help to spring this country into prominence as a recovering victim of conflict, terrorism, and human rights abuses, but also as a respected participant in the global community. And while I wouldn't want to oversell Sri Lanka as a model - this brew of caste, class, religion and race has its own unique flavor - perhaps this is a nation with lessons to offer the world about how to move from despair to hope, from intractable conflict to workable concord, and, indeed, about how the international community can engage and support such conflict resolution.

So, with your permission, I'll share with you a few thoughts about the direction I see Sri Lanka heading in, and the more promising developments as well as the more problematic challenges, and how I believe the United States and the international community can most usefully participate.

Sadly, I have had the chance to see the costs of war up close. Last summer, I traveled to the Jaffna Peninsula. We first flew over the area in a helicopter and saw below us a blasted landscape,

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pockmarked with thousands of bomb craters and shell craters. For me, that view reminded me strongly of my time in the service in Vietnam. I really don't think I've seen anything quite like it since. And I'm talking both about the physical devastation and the sense of futility that was unmistakable on the ground.

We ventured into one of the cities that had been largely destroyed, where people were nonetheless starting to return, trying to reclaim lives many may have hardly remembered. Today, some 300,000 internally displaced people have returned to the northern and eastern parts of the country, even though these areas lack sanitation, clean water, and other basic amenities. This is, to some extent, a demonstration of confidence in the current cease-fire, but it also confirms something else I saw when I was there. We spoke with a cross-section of Tamil society in the area and the mixture of hope and wariness in their words was an unmistakable reminder that in Jaffna, and across Sri Lanka, a whole generation has grown up knowing little other than war, but is now ready for a change.

It was clear to me at the time that the solution had to start there, in the shattered people and bombed-out villages, in the universal longing for a better life. Because while it is clearly taking a firm decision from the parties to this fight to be partners and to act in the interests of peace, it is also going to take a commitment from all the people of Sri Lanka - Muslims and Buddhists, Christians and Hindus, Sinhalese and Tamils - from all parts of the country, if agreements made around the negotiating table are going to take hold on the ground.

Now, the challenge for the government of Sri Lanka and the LTTE is going to be taking that universal longing and that national commitment and giving people tangible signs of progress and a way to participate in the process. I think they have done a good job to date. First, they have set a powerful foundation. Keeping to the cease-fire for the past year has, as I noted, allowed the public to reach a basic level of confidence. And it is critical that both parties continue to honor and keep this cease-fire. From my point of view, a loss of confidence at this point would be extraordinarily devastating.

December was also a watershed. The negotiators issued a common statement that called for "internal self-determination based on a federal structure within a united Sri Lanka," which created a shared vision for the future of the state, and dealt with many disagreements that destroyed past efforts at a negotiated solution. And in this latest round of talks, which just concluded last week in Berlin, the negotiators turned to concrete issues of humanitarian relief and human rights, including the LTTE's pledge to end child recruitment.

To me, this is all very encouraging. Indeed, two years ago, no one would have believed so much could happen so quickly. But to some extent, the steps taken to date have been the easy ones. And so the negotiations have entered a critical stage, a point at which both sides will have to show the courage to stay the course as they address more difficult issues and make real compromises.

Although the apprehension of an arms-laden trawler during the last round of negotiations and the self immolation by its LTTE crew were most remarkable for failing to derail peace talks, it also called into question the LTTE's commitment to the process. The LTTE is going to have to take a number of difficult steps to demonstrate that it remains committed to a political solution. The Tigers need to honor the restrictions and conditions that the cease-fire - and future negotiations - set on their arms supply. Logically, down the road, this is going to include disarmament issues themselves. Internal self-determination, within the framework of one Sri Lanka, is not going to be consistent with separate armies and navies for different parts of the country. For that matter, the LTTE has often pledged to stop the recruitment of child soldiers, but this time, they will have to prove they can carry through and will carry through on the pledge. The LTTE will also have to respect the rights of Muslims and Sinhalese living in areas under its control. And if the Tigers really want to join Sri Lanka's democratic society on a federal basis, they will also have to accept pluralism within the Tamil community.

Finally, the United States government is encouraged by the vision of the LTTE as a genuine political entity. But for that to happen, we believe the LTTE must publicly and unequivocally renounce terrorism and prove that its days of violence are over. The US will never accept the tactics of terror, regardless of any legitimate Tamil aspirations. But if the LTTE can move beyond the terror tactics of the past and make a convincing case through its conduct and its actual actions that it is committed to a political solution and to peace, the United States will certainly consider removing the LTTE from the list of Foreign Terrorist Organizations, as well as any other terrorism-related designations.

At the same time, the Government of Sri Lanka must institute reforms that address the legitimate aspirations of the Tamil people. This means allowing Tamils the simple right to stay in their own homes and to pursue a living, such as fishing in coastal waters, without prejudice or harassment. But it also means protecting the full range of human rights for all the people of Sri Lanka. In particular, the burden will be on the government, military and civilian officials alike, to prove that they can accord these rights to residents of the northern and the eastern parts of the nation, including the refugees returning to the area. And that they will hold officials accountable for their conduct.

The government obviously also must tackle key economic reforms. Because ultimately, the people of Sri Lanka, not just Tamils but also the Muslim and Sinhalese communities, particularly in the south, will judge the

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efficacy of the peace process by how it affects their livelihood.

Reaching this vision of prosperity will require a strong and sustained commitment from the Government of Sri Lanka. We should all give due credit to President Kumaratunga.

She knew this was the only answer for her country long ago. And her peace plan of 1995 was an important precursor to the progress we see now. Of course today, we owe much of that progress to the Government of Prime Minister Ranil Wickremesinghe, who continues to take bold steps in the direction of peace. But it is clear that if Sri Lanka is to continue moving forward, the Government must move together as one. No individual, no single political party can carry this burden alone. This must be a concerted effort by the President, the Prime Minister, and the parties.

There are those in Sri Lanka who remain skeptical, and truthfully, many come to their doubts honestly. The President, for one, is understandably cautious. But she also has unusual moral authority when it comes to one of the most difficult challenges facing both the government and the LTTE. As the head of state and inheritor of a powerful political dynasty, she is in a unique position to speak on behalf of everyone who serves or who has served in the government and to ask that those who committed atrocities in the past be forgiven. But she is also a victim of this conflict. She has not only lost loved ones to the violence but will personally bear the scars for the rest of her life. And so her forgiveness of those who have caused her pain is equally important.

In such a close community, every one of the 65,000 lives lost in the last two decades is a burden of memory the whole society will have to carry. Indeed, perhaps it is too much to ask for forgiveness, but the people of Sri Lanka must somehow find a way to move forward. This may be the most significant challenge. It will require a concept of justice that falls somewhere between retribution and impunity, which will be absolutely necessary if the country is to reconcile with the past and reclaim the future. I believe President Kumaratunga must play a spiritually significant part in this search for truth and for reconciliation.

These are tremendous challenges. But these are also largely questions of the political will of the parties involved, something that must come largely from within Sri Lanka. The Government of Norway does deserve tremendous credit for catalyzing this political will and ushering the parties to the negotiating table. And the Norwegians deserve even more credit for going one step further.

Today, Sri Lanka has pressing humanitarian needs, as well as longer-term reconstruction, rehabilitation, and reintegration needs. Consider, for example, that there are an estimated 700,000 landmines in the country, and that alone is a nearly insurmountable challenge. Yet this is precisely where the government and the LTTE need to show progress and ways for ordinary people to participate. And they have to do this right away if the peace process is to attract the kind of public backing it requires. But the scale and scope of these needs are simply beyond Sri Lanka's means in the near term. And that is one reason international support is so absolutely critical at this time.

In November, Norway hosted a conference to orchestrate this international support, and where the Norwegians led and where they lead, we, the United States, are delighted to follow.

I was pleased to attend on behalf of the United States and to pledge $8 million in support of programs that meet immediate humanitarian needs, as well as a little over $1 million for de-mining. In June, it is my intention to return for the follow-on meeting of donors, which Japan has graciously agreed to host. And at that time, I believe, with a certain assurance, that I will be able to announce significant further assistance to Sri Lanka for both humanitarian and economic aid.

Of course, such international involvement will come at a cost for Sri Lanka. The price tag for sustaining such interest will be progress - a clear demonstration that all parties to the negotiations have the determination to see this through. As I said at the outset, the fundamental attraction for this outpouring of international interest and certainly for my nation, is that we are not dealing in fantasy but firmly in the art of the possible. By June, both the government, all elements of the government, and the LTTE will need to have made some hard choices and compromises that demonstrate the political will to proceed if they want to meet their ambitions for international support.

Of course, Sri Lanka is hardly the only nation that struggles in the shadow of looming ethnic, racial and religious divides. From Kosovo to Kabul, there are places all over the world that are engaged in a similar fight, many of which have far less going for them in terms of physical infrastructure, in terms of human resources, and in terms of the institutions of democracy. And as Ambassador Schaffer recently wrote, there are other nations, from Northern Ireland to South Africa, that have already dealt with such challenges with some measure of success. From my point of view, and from my government's point of view, it is reasonable to hope that Sri Lanka will not only be able to add to the legacy of optimism of such past success but will also be able to build a model for peace and prosperity in a multifaceted society." ❐

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Democratising Human Rights and Strengthening Peace: Sri Lanka's Historic Challenge

Dr.Alan Keenan

[Paper presented at a Seminar organized by the Centre for Policy Alternatives/ Berghof Road Map Workshop on 13 February 2003]

Throughout the last quarter of 2002 and into the first months of 2003, the frequency and volume of complaints of human rights violations, together with worries about their possible impact on the peace process between the LTTE and the Sri Lankan government, have been increasing. Specific allegations by various parties, as well official findings by the Sri Lankan Monitoring Mission, have been made against the LTTE. In addition to various technical violations of the ceasefire agreement, there have been complaints, and much evidence, of forced recruitment of child soldiers, forced "contributions" to LTTE finances, economic pressure and violent attacks on Muslims on the east coast, and the harassment, assassination, abduction, and involuntary "disappearance" of members of Tamil political parties opposed to the LTTE. The Government, in turn, has been found guilty of ceasefire violations, and accused of rights violations of its own, ranging from the continued occupation by the security forces of temples, schools, and private homes, the deadly shootings of Tamil protestors by police, the failure of police to stop Sinhala attacks on Tamil demonstrators in Trincomalee, the failure to adequately investigate such police actions and inactions, and the continued detention of scores of Tamils under the draconian Prevention of Terrorism Act. Allegations have also been made that various Muslim, Sinhala, and Tamil groups, some perhaps with links to government security forces, have been fomenting ethnic violence and carrying out abductions and extortion to be blamed on the LTTE.

Positive sign

The announcement at the conclusion of the Berlin session of peace talks that the Sri Lankan government and the LTTE have asked Ian Martin to draft a set of human rights standards, designed to help direct further progress towards a negotiated settlement, must surely be considered a positive sign. One can hope that such a decision expresses a new commitment by the negotiating parties and their Norwegian facilitators to make human rights protections an integral part of the official peace process. Constituting a public promise to abide by certain guiding principles for their political conduct, the announcement of the willingness of both the LTTE and the government to be bound to an independently formulated set of human rights standard offers Sri Lankan civil society a rare window of opportunity for further democratization of Sri Lankan political life. However, given that respect for human rights standards doesn't come naturally to either the Sri Lankan state or the LTTE, it will be up to local civil society organizations, hopefully with effective international support, to make the most of this new opportunity. Only serious engagement and sustained pressure by citizens and civil society groups can insure that any rights framework that is agreed upon actually begins to make a tangible difference in the ways that ordinary Sri Lankans experience the power of the State and of the LTTE. What progress has been made on this front so far, one can plausibly argue, has come largely as a reaction to the growing publicity and pressure about human rights and ceasefire violations by both parties.

As we look ahead to what civil society can and should be doing to give human rights issues a greater role in the peace process, there is much to be learned from reflecting on recent experience in Sri Lanka. The past year of the ceasefire has seen numerous and consistent pronouncements from almost all corners of civil society to the effect that the respect of basic human rights is essential to lasting peace. Meanwhile some planning has been done for various forms of civil society peace and human rights monitoring in the near future. Yet very few concrete or coordinated actions have been taken – or even forceful statements made – in response to specific violations of those rights or to the underlying structures that make them possible. There continues to be great reluctance throughout Sri Lankan civil society to translate the general commitment to human rights norms into effective action in defense of rights.

Resistance to defense of rights

In what follows, I will briefly examine what might explain such resistance and what it might tell us about the basic relationship between "human rights" and "conflict resolution" or "peace building." I will be arguing the perhaps obvious point that the difficulties that Sri Lankan civil society has had in making forceful and effective interventions in defense of basic human rights over the past year has much to do with the nature and history of the conflicts that have produced human rights violations in the first place. The dynamic of reciprocal polarization and lack of trust within "civil society" must itself be reversed if effective interventions are to be possible. For this to become more likely, I will argue, it would be helpful to adopt a more explicitly democratic conception of human **rightsl.** By emphasizing the ways in which Sri Lankans of all communities have a shared experience of being subject to unaccountable power, discourses of human rights can simultaneously act as tools of conflict resolution, thus helping to lay the ground work for cross-ethnic solidarity and mobilization around everyone's shared interest in democratization.

Speaking out about human rights violations and unaccountable power is, of course, never an easy or pleasant task in any society. In a country that has experienced three decades of violent conflict, in which independent political voices and civil society organizations have been deliberately targeted for elimination, speaking up in defense of rights can often be a dangerous act. The

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murders over the last few years of Kumar Ponnambalam, Neelan Thiruchelvam, and the journalist Mylvaganam Nimalrajan - all of them human rights activists in their different ways - testify to this fact. More specific to our topic today, there has been the general anxiety expressed by many supporters of the peace process - across all ethnicities and of all political persuasions - that pressing too hard on human rights violations, especially those attributed to the LTTE, risks weakening the peace process. In addition, many people clearly fear being branded a "spoiler," or unprincipled opponent of the peace process, if they were to point out a failure to respect human rights by either of the parties to the negotiations. Allegations of human rights violations, especially when they are lodged against the LTTE, and regardless of whether those making the claims are Sinhalese, Muslim, or Tamil, are frequently dismissed as merely weapons of partisan political warfare, rather than genuine expressions of concern or ethical commitment. For some Sinhalese political activists and civil society leaders, in addition, worries about their possible lack of credibility as Sinhalese who claim to be concerned about the rights of Tamils have kept them from speaking up forcefully about violations by the LTTE directed against fellow Tamils.

Many have chosen to let elements of Tamil civil society – e.g., leaders of the Catholic Church -take the lead on such issues. Unfortunately, such reluctance has ceded a large portion of the discourse of "human rights" to precisely those elements opposed to the compromises and accommodations necessary to a lasting and just peace: i.e., the so-called "spoilers."

Among many politically active Tamils, in turn, there has in the past been an often expressed public position that the primary - perhaps sole - job of human rights defenders is to challenge state power, rather than that of non-state entities like the LTTE. Whatever legitimacy this argument might have had, it becomes less persuasive the more the LTTE's state-like character grows. Behind such positions, though, there exist more substantial ideological and psychological issues at work. To the extent that they see the political struggle of the LTTE as just, many Tamils - and even some Sinhalese - are reluctant to criticize the LTTE for fear of giving their opponents rhetorical ammunition and thus reducing their bargaining power vis-a-vis the Sinhala dominated State. Others, while expressing regret about LTTE rights violations, nonetheless see them as necessary tactics, without which the Tamil people's rights could not be secured. Following what is perhaps a universal psychological pattern, this defense of the LTTE is reinforced by the absence of any widespread acknowledgment among Sinhalese of the terrible violations of human rights and humanitarian law by government security forces, and by the lack of effective efforts by the Sinhala dominated state to hold those who have committed and ordered such actions accountable under the law. The most egregious recent example of this failure was the acquittal this past November by an all-Sinhala jury of the sol-

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diers accused in the Maylanthennai massacre case – a case that took ten years to come to trial!

What human rights?

But what exactly are human rights? Debates that seem to be between those in favor of giving a central role to "human rights issues" in the peace process and those opposed to such a role, can sometimes also be understood as debates over the best or most appropriate definition of human rights, or over which kind or set of rights are most in need of protection. To make sense of today's debates over rights violations and the proper role of human rights issues in the peace process, then, one must be aware of the different philosophical conceptions of human rights - and of how they should best be protected - that are at work in political discourse. "Human rights" are notoriously difficult to define and often effectively refer to whatever one feels is necessary to human dignity or to treatment as an equal human being. Nonetheless, it is possible to draw out of the contemporary debates over human rights and the peace process three major lines of argument, which, depending on one's dominant political principles, and at times one's partisan allegiances, give emphasis to different strands of the larger (if rather fractious) family of human rights. (It is worth noting here that for the sake of simplification and time I am leaving out of consideration an entire other category, that of socio-economic rights. While such rights do not play a direct role in contemporary debates over the role human rights in Sri Lanka's peace process, they are nonetheless bound up in Sri Lanka's conflicts in essential, but complicated, ways.)

The first of these approaches emphasizes the collection of liberal civil and political rights, These include, for instance, the right to life, the right against arbitrary arrest and imprisonment, the right to due process of the law, freedom of religion, and freedom of assembly. Such "negative" rights attach to the individual and either protect against encroachment by the state or other groups into a "space" considered as belonging entirely to the individual, or else guarantee the tools for individuals to be active citizens and political participants. It has generally been the violation of these sorts of rights that have been cited by critics of the LTTE (and, prior to the ceasefire, by critics of the government).

The second major strand of human rights evoked in contemporary debates concerns those rights to basic dignity that often come under international humanitarian law: i.e., the right of refugees to shelter, food, and protection against attack, and today, their right to return to their properties and to be provided with the basic social infrastructure necessary to a decent existence – land free of mines, roads that can be driven, schools with roofs, hospitals with medicines and doctors. These rights, while endorsed by all parties to the conflict, are emphasized most strongly today by the LTTE in their demands for a speedy "return to normalcy" for the millions of people's who lives have been disrupted by decades of war.

Finally, there is the most fundamental right that the LTTE says it has been struggling for from its beginning: the right of "self-determination" for the Tamil people. This right, unlike the previous sets of rights, whether humanitarian or civil and political, attaches not to individual Tamils, but to the Tamil "people" as a whole. It is the right of the Tamil people, or "nation," to rule themselves as they see fit, free from interference or oppression from other communities. One can argue that it was in part the long history of gross violations of Tamils' individual rights - to life, property, equal opportunity - by successive Sri Lankan governments' that reinforced the long-standing belief among many Tamils that neither individual nor "minority" rights are sufficient to guarantee their freedom and equal dignity. From this perspective, Tamils are a nation, not just a minority, and deserve recognition as such. This is in part so as to guarantee the fundamental democratic right to have an equal and active role in one's own governance (which has been denied in practice due to the majoritarian characteristics of the Sri Lankan political system), as well as for pragmatic reasons of collective self-protection. *(For others, the recognition of the Tamil nation is a matter of basic moral respect, rooted in a a particular belief about Tamil "nationness" and an attachment to what is taken to be an essential collective identity.)*

Conflict resolution and human rights – the link

It might seem to some that the existence of these different uses and conceptions of "human rights" render it a hopelessly ambiguous and contestable term, without much use or purchase in situations like Sri Lanka's present one. In what follows, I want briefly to suggest otherwise. Indeed, one can make a strong case that at least in Sri Lanka's case today, conflict resolution and human rights - of all varieties - are two sides of the same coin. More specifically, I want to suggest that a more fully democratic conception of rights can help show us at least part of the way out of our present impasse over rights and peace.

The first step in the way out, I would suggest, is for human rights advocates frustrated with the lack of action on violations by the LTTE to recognize that from the perspective of the LTTE and their supporters, their struggle is a human rights struggle. Thus, while it is indisputable that the LTTE has violated the first set of civil and political rights, LTTE officials and supporters can plausibly – if incompletely – argue that they are in fact committed to human rights. Indeed, they are fighting for nothing else but the achievement of these rights, whether through a state of Tamil Eelam or through some form of federalism.

However, the issue can't simply be left there. For central to the appeal of the Tamil nationalist struggle and to the goal of "self-determination, is a democratic ideal: the ideal of the Tamil people ruling themselves, governing their own affairs, freed from Sinhala domination. For that struggle to be a truly democratic struggle that leads to a democratic outcome, however not all means are permissible. The collective rights of the Tamil people don't trump or do away with individual rights; in fact, they actually need those rights in order to make (democratic) sense. Certain basic civil and political rights have to be respected even for the collective right of self-determination to be internally consistent. *(I am bracketing for now the exceedingly complex issue of*

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how to integrate the democratic rights to "self-determination" of other groups within any area to be ruled by "the Tamil nation." This question, especially with respect to the rights of Muslims in the Eastern Province, is of crucial practical and theoretical importance, but is beyond the scope this paper.)

Central to the democratic ideal is the idea that the powers given to political representatives and office holders are 1) given only on trust and are 2) never given completely. Instead, they must be supplemented by the people's active involvement in their own governance, monitoring, challenging, advising, and ultimately, when necessary, replacing those who temporarily make use of the people's power. A democratic, or democratized, conception of human rights, then, would include: 1) the right of individuals to organize themselves and to act politically, independent of and even in opposition to the government or to quasi-governmental powers; 2) the right to hold those in power and the institutions of the state accountable, both making sure that the wishes and interests of the majority and of the common good are respected, and preventing abuses of rights and excesses of power; and 3) all the specific liberal rights necessary to achieving these general democratic rights: i.e., rights of speech and publication, of political association, of bodily integrity, etc... In short, the establishment and preservation of independent spaces for citizen power are definitive of democratic politics.

By violating the basic principles of democracy, the LTTE's monopoly on power and intimidation of their opponents - while perhaps theoretically defensible in a time of war - renders their liberation struggle internally contradictory. Yet while the LTTE and their opponents will tend to make reference to different conceptions of human rights, it is important that the violence and denial of rights that brought the LTTE and other militant groups into existence not be forgotten. Anyone who uses the language of human rights merely to undermine the LTTE without acknowledging this history is also being inconsistent.

Human rights and the peace process

Thus, when considering the relationship between human rights and the peace process, it is important to emphasize the perhaps obvious point that human rights violations have always been at the heart of Sri Lanka's violent conflicts, giving them energy and propelling them forward. As a direct legacy of British colonial rule (in itself perhaps the most fundamental crime against human rights of all), there was a slow accumulation of violations of Tamils' collective and individual rights from almost the beginning of Sri Lanka's political "independence." (It is important to remember, though, that severe human rights violations in Sri Lanka have never been limited to violence and oppression of Tamils – the rights of individual Sinhalese, and of whole classes of poor and "lower" caste Sinhalese, have also been violated by the state and non-state agents in brutal and systematic ways.) Violation of Tamils' democratic rights moved from the disenfranchisement of hundreds of thousand of so-called "Indian" Tamils,

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to the denial of equal opportunity resulting from "Sinhala Only" and "standardization" of university admissions policies, and ran through various incidents of state-permitted and ultimately state-sponsored violence against Tamils, culminating in the events of July 1983. After "1983" there came the massive violations of basic human and humanitarian rights during the war, as well as in the name of 'security.' Virtually unrestricted powers given to the "security" forces by the PTA and by Emergency Regulations not only led to great suffering and uncounted violations of rights, they also helped produce the very "terrorism" and violent militancy they were officially designed to curb. (And once again, the years of uprising and counter-insurgency from 1987-1990 showed that such violations weren't directed only at Tamils.)

Indeed, the decades of war, LTTE violence, and the State's counter-terrorism, produced an explosion of rights violations from all sides, which have further divided Sri Lankan society and politics in multiple ways. What the basics of conflict resolution theory – or simple common sense – tell us is that the choice of violence as a form of resistance – particularly in the brutal and no-holds barred form it has taken among Tamil militant groups – produces its own rights violations that often help fuel and maintain the conflict in multiple ways. In the case of Sri Lanka, such violence has generated specific grievances around which the anger and intransigence of many Sinhalese (and, it seems, increasing numbers of Muslims) can coalesce. I am thinking here, for example, of the Central Bank bombing, the bombing of the Temple of the Tooth, the 1990 LTTE killings of Muslim worshippers in mosques in Kattankudy and Eravur and the murders of possibly hundreds of Sinhala policemen that same year. Such violence has made it easier for Sinhalese and Muslims to avoid confronting the violence and injustice done in their own name by their often self-appointed "representatives." Such violence has also silenced, often through killing, the more accommodating voices among Tamils interested in trying to create bridges with those Sinhalese and Muslims committed to a democratic settlement for all.

From this perspective, then, one can make a convincing pragmatic case that sustaining the momentum of the peace process requires strong human rights interventions by civil society and citizens' groups. Such interventions are necessary precisely to weaken the power of so-called "spoilers": by making claims that are more balanced and accurate, one can help remove the discourse of human rights, with all its moral and political legitimacy, from the control of such forces. Indeed, chief among the tasks of those committed to a political solution based on some kind of a federal model is to figure out a ways of isolating hardliners on all sides. In particular, it is crucial to prevent LTTE violations from empowering anti-accomodationist positions by Sinhala and Muslim groups. In particular, effective human rights monitoring would help reduce the likelihood of a scenario that some have worried about, in which human rights violations by the LTTE deepen suspicion among Sinhalese and/or Muslims to such an extent that it becomes impossible to achieve consensus among Sinhala political parties - or agreement from Muslim leaders - in favor of federalism. Such a failure would then give greater legitimacy to an LTTE exit from the peace process and a possible return to the demand for Eelam.

For human rights pressures and criticisms to be effective, however, they must not be one-sided. It is thus equally important to control and reform the Sri Lankan security forces and police, so as to prevent the kind of abuses that only strengthen the long-standing belief of many Tamils that the only protection they have is through an armed and unfettered LTTE and ultimately a separate state. In this context, the killings of Tamil protestors by Special Task Force officers outside their camp in Kanchirankuda in October were particularly disturbing, as were the reports - made most forcefully by the University Teachers for Human Rights in their Information Bulletin No. 29 - that the police in Trincomalee aided and abetted Sinhala violence, leading directly and indirectly to the deaths of Tamil citizens. Perhaps equally disturbing has been the lack of transparency of the official investigations into the incidents. The report into the Kanchirankuda shootings by the Committee headed by retired Air Force Vice Marshal Harry Goonetilleke remains secret to this day. Any investigations that might have been made into the role of the police in the violence in Trincomalee have also not been made public. There is, finally, the continued existence of the Prevention of Terrorism Act, which only awaits the failure of the peace process for it to be reactivated, with all the damage to civil and political rights - especially for Tamils - that it brings with it. Just as pressure must be brought to bear on the LTTE to respect democratic principles and the rights of all those in areas over which it wields influence, so too the Sri Lankan state must be challenged to let go of its most draconian and anti-democratic powers. Unfortunately, other than from organizations reluctant to make public criticisms of the LTTE, there has been very little public agitation by civil society groups on any of these issues.

The challenge

Human rights violations committed by all sides have thus helped to close down the space for mutual understanding and agreement across ethnic and ideological divisions, even among those whose dedication to human rights and democracy are otherwise unquestionable. The challenge for proponents of human rights and democracy, then, is to produce discourses and practices of human rights that address violations from all sides and help initiate a process of de-escalation and trust-building, independent of the LTTE and the Sri Lankan State, that can expand democratic space for all Sri Lankans.

To build this kind of middle ground, however, will require pressurizing the government not only with respect to specific abuses - past, present, or future - committed by the police or armed forces. It also requires that the government and the entire Sinhala-dominated political establishment begin to do the work of making Sri Lanka a more democratic nation in which all its citizens, regardless of their ethnicity, religion, or language, receive equal treatment and have equal opportunities. This would require, to begin with, renewed efforts around language rights and hiring and educational policies of the sort that the PA government promised to

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undertake in its early, more multi-cultural, years. Pressing for these sorts of reforms - for example, finally ensuring in practice, not just on paper, that Tamil-speaking people are able to lodge police complaints and receive government notices in Tamil, and not just in Sinhala - would seem a role tailor-made for President Kumaratunga and the PA, allowing them to redeem their best promises, and with it some of their political honor.

As part of this, the government and Sinhala parties must be strongly encouraged to initiate and support processes that address the legacy of inequality and suffering experienced by Tamils and other historically marginalized groups. Right now the peace process has very little to do with processes of reconciliation or collective reflection on the suffering undergone and wrongs done to the members of the different groups that make up Sri Lanka. Indeed, as I have gone about my research on human rights issues in Sri Lanka over the past three years, I am repeatedly struck by how little knowledge or recognition there is among even well-educated Sinhala people of the historical grievances of Tamil people. This is in part a result of the decades of censorship of the war and of politically sensitive news, of the Sinhala-centric nature of the country's history curricula, and of the lack of direct and obvious costs of war for most Sinhalese, especially those in the opinion-making, politically influential classes. Yet it is clearly also in part a result of the violence and terror sowed by the LTTE. We can witness the same tragic process as it gains momentum in Israel and Palestine, whereby the use of terror as a political weapon de-legitimates the collective grievances of a people and allows their historical experience of injustice and suffering to be forgotten or repressed.

My basic point, then, is that human rights discourse and practice can and needs to be understood as a tool of constructive conflict management, informed by basic common sense conflict resolution principles of de-escalation and trust building. The challenge for human rights advocates is to initiate processes of collective reflection and criticism, within and across communities, that can offer insight into the reasons for Sri Lanka's bitter divisions and ways of preventing further wrongs, re-escalation, or re-polarization. Such an approach, I am suggesting, would allow for the democratization of human rights politics, whereby members of all ethnic communities would transform human rights principles into tools for expanding democratic space throughout the country and for establishing effective practices of accountability with respect to all forms of political power, whatever organization or party happens to be in charge.

The agreement by the LTTE and the government to sign on to an independently developed human rights framework offers a unique opportunity for getting these processes underway. There is now an opening that must be seized and expanded before it begins to recede and old patterns re-assert themselves.

Recommendations

In conclusion, I would like to offer six specific recommendations for how civil society could make the most of this opportunity:

1. While the international community can and should support such work, both politically and materially, the energy, moral legitimacy, and political force of human rights interventions can only come from Sri Lankans themselves. It is important that human rights issues not be so bureaucratized – by committees, and reports, and workshops – that they lose their political and moral force, and leave untouched the central question of how undemocratic power can be made accountable. Human rights issues mustn't only be left to the formal and institutionalized channels of the government, the LTTE, and international donors: Sri Lankans of all ethnicities know only too well not to place their trust in formal legal channels. And the experience of Bosnia, Rwanda, Palestine and Cambodia should also teach Sri Lankans not to place excessive trust in the expertise and good intentions of "the international community." The democratization of human rights will thus require that Sri Lankan civil society organizations also learn how to hold the international donors accountable for their actions.

2. One of the strange and difficult aspects of the peace process and the extended "interim" process it has brought with it is the fact that large portions of Sri Lankan law and their attendant bureaucracies have effectively been suspended. We see one, less worrisome form of this development in the way in which the various committees and subcommittees of the government, the LTTE, and donors are taking over previously governmental functions. More worrisome is how this effects fundamental civil and political rights: the uncertainty and quiet struggles over jurisdiction between LTTE and governmental police and court systems have placed residents of the north and east in very difficult situations, not knowing to whom to report problems or violations, or what the actual relationships are between the SLMM, the police, the army, LTTE political and military structures, and the two competing court systems. This has disturbing long term implications, especially given the fact that even under less confusing situations neither the State nor the LTTE has been terribly good about respecting people's rights. (Particularly worrisome to many has been the apparent refusal of the Sri Lankan police to pursue complaints and evidence against LTTE cadres for fear of disrupting the peace process or violating the cease-fire.) Any system of human rights monitoring that might emerge from Ian

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Martin's human rights framework must devise ways of clarifying the relationships between the various systems and agencies involved and establishing clear lines of accountability. Otherwise, the present interim period threatens to ratify Sri Lanka's patterns of impunity and thus confirm Sri Lankans' deepening cynicism about the rule of law.

3. On a related point, any system of human rights monitoring must make it a priority to establish a system for the effective protection of witnesses and complainants. This has long been a central problem for anyone, Muslim, Tamil, Burgher, or Sinhala, seeking to challenge the impunity with which those in power – whether politicians, police, or militants – are able to commit crimes and human rights abuses. People must be made to feel that it is safe – or at least safer than it is now – to make complaints or testify about human rights violations. Without guarantees of protection, even the best designed system of monitoring will be of little use. Addressing the problem is a task for which the international community, with its greater resources and distance from the site of the conflicts, would seem ideally suited. Perhaps arrangements for temporarily removing witnesses and complainants from the country, or a system of internationally monitored safe houses, could be negotiated by international donors. Establishing something along these lines will be a test of the real commitment of foreign donors, and of the Sri Lankan government and the LTTE, to the principles of the rule of law and accountability.

4. As a companion and support to any monitoring system set up under the auspices of the official peace process, I would urge the formation of a committee of concerned Sri Lankans who would commit themselves to speaking out regularly and strongly on specific human rights issues and incidents, whenever and wherever they happen. Composed of a cross-section of well-known Sri Lankans, from all ethnic backgrounds and from all political persuasions, together with internationals who know the Sri Lankan situation well, the aim would be to move from the general endorsements of the value of human rights protections to specific appeals and interventions in case of violations by any side. The aim, once again, would be begin to expand the space within which people are able to hold those in power accountable for their actions. If those in positions of intellectual and ethical authority begin to assert this democratic right, it might begin to establish a precedent that other Sri Lankans could begin to follow.

5. It is important, however, that any such interventions be made in an appropriate tone and language. Rather than moralistically denouncing violations and anyone who refuses to speak out against them - as is the unfortunate tendency of much human rights reporting, both in Sri Lanka and elsewhere - the guiding spirit of any civil society interventions should be to hold the government and the LTTE (and any other relevant groups) accountable to their own professed democratic ideals and commitments. Without being naive about the structural nature of Sri Lanka's human rights violations, or hiding the true seriousness of the challenges faced, human rights interventions should nonetheless resist the temptation to address the LTTE or the Sri Lankan police and military as if they are irredeemably anti-democratic and opposed to human rights. With respect to the LTTE in particular, it is important to explore the possibility that the continuing violations of rights attributed to their cadres are due at least in part to the organization's lack of political experience and expertise. While continuing to hold the LTTE as a whole accountable for the actions of all its members, and demanding concrete actions - not just promises - that demonstrate its commitment to democratization, it is not implausible that "human rights capacity building" projects and trainings could begin to make a difference in their behavior. A less moralistic approach towards the LTTE would also have the possible benefit of increasing the space in which human rights claims can be articulated by Tamils without them seeming quite so direct a challenge to LTTE.

6. Finally, I offer one closing suggestion for making human rights discourse in Sri Lanka less partisan and less moralistic, and thereby opening up greater space for cross-ethnic coalitions in defense of human rights and democracy. I would suggest that the various anti-LTTE Tamil political parties - including the EPDP - would do well to begin a process of internal self-criticism, in which they acknowledge, and ultimately apologize for, their own anti-democratic and violent excesses, especially when armed and supported by previous Sri Lankan governments. I would also urge the Sinhala politicians and military who armed them and exploited their existence to accept their responsibility for the crimes committed and anti-democratic legacy left in their wake. Only then will their justified criticisms of LTTE attempts to close down any existing space for political alternatives, or even dissent, be able to heard clearly - and not simply dismissed as hypocrisy, motivated only by the desire to regain lost political power. More generally speaking, whatever human rights framework emerges from the official peace process would be wise to include some process for collective reflection within individual parties and organizations, and within particular ethnic communities. Only then will better relations across communities begin to be possible. ❐

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A Journey to peace and prosperity

Rev Fr. Paul Caspersz S J

What the whole country has reason to celebrate today is that we have successfully concluded the first mile. How many miles more to reach journey' end? No one knows. Barring those who grow rich on the legal and illegal gains of the arms industry, everyone hopes that the Ceasefire will soon be followed by a lasting peace, honourable to all sides.

Some may say that it was not today, but yesterday, that the mile was completed. For it was on 21 February last year that Velupillai Prabhakaran signed in the Wanni his letter of consent to the Ceasefire Agreement and gave it to the Norwegian Ambassador to be transmitted to the Norwegian Minister of Foreign Affairs.

It was on the evening of yesterday, twelve months ago, that the Prime Minister met the President, gave her the final version of the Ceasefire Agreement and told her that on the next day be would himself proceed to the Wanni to do what Prabhakaran had done the previous day.

In fact, however, the Ceasefire has lasted not twelve, but nearly fourteen, months. For it was on the eve of Christmas of the previous year that the LTTE declared a unilateral Ceasefire in order to show their willingness to initiate serious peace negotiations with the Government. The LTTE did observe the ceasefire in the two months following Christmas. So the Prime Minister was able to move forward confidently on 22 February 2002 to sign the Agreement in the form of a Memorandum of Understanding.

The Ceasefire held. In the twenty years that preceded it there had been three Eelam Wars. Many died on both sides in the fighting. Many others were maimed for life. There had been attacks on the Dalada Maligawa, on the Katunayake airforce base and the international airport, on the Central Bank, several prominent political leaders and a former President were assassinated and an attempt was made to kill the present President.

The figure of 64,000 has been cited as the number who lost their lives in the hostilities. I believe this is an underestimate. We do not know the number of Tamil militants who died as a result of violence and war, nor do we know the exact number of the disappeared.

All over the country there were army and police checkpoints, road barriers, arrests, detentions and continual tension. With the Ceasefire the killings ceased. The checkpoints and the barriers were removed. There was an atmosphere of relaxed freedom after many years of anxiety and fear. Vesak 2002 was the happiest in twenty years. There have been reports of violations of the Agreement but these did not seriously disturb the climate of cheerful hopefulness that the Ceasefire Agreement brought.

Yet it must be remembered that the Ceasefire Agreement is an Agreement to stop the fires caused by both sides to the dispute.

The Ceasefire Agreement is not a Peace Agreement. Or, it may be called an Agreement to Prepare the Way for a Peace Agreement.

The Government has its own ideas of peace: security of life and property, the rights of all the ethnic, religious and linguistic groups in the country, development and prosperity. The Tigers too have their own conceptions of peace: the right to live in safety in what they consider Tamil homelands, the right to preserve and develop their own language and culture, the right to effective autonomy and self-determination.

There will have to be much discussion before arriving at a solution that is just and honourable to all. The Sinhalese and the Tamils of the Northern and Eastern Provinces have also the duty to give due place to the Muslims, perhaps also to the Burghers, and they should not forget that the Tamils of the plantations also have a right to their own culture, their dignity, to equal opportunities.

It is therefore time that in the discussions in Thailand, Germany or Japan the voice of the plantation Tamils should also be heard. I have often felt that the plantation Tamils have an important role to play in the current situation. On the one hand, they tell the Tigers that separation is not a feasible solution. On the other hand, they tell the Government that the grievances of the Tamil people of the North and East - recognized as legitimate by both UNP and SLFP - need to be redressed, lest the violence escalate into the plantations with consequences that will make all the previous violence seem like children playing with fire crackers.

The Ceasefire Agreement prepared the road to peace but the road will be a long one. In her letter to the Prime Minister of 28 February last year, the resident lamented that the final version of the Ceasefire Agreement was shown to her too late.

Thus, she said, a valuable opportunity was lost "or you and me to discuss the Agreement thoroughly... thereby forging a consensus between the two major political parties in the country.". But it was on the rock of this bipartisan consensus that all previous efforts to solve the problem floundered; the Bandaranaike-Chelvanayagam Agreement, the Dudley-Chelvanayagam Agreement, the Declaration on the Cessation of Hostilities of January 1995 followed by the draft Constitution of 2001. From the standpoint of a solution to our inter-ethnic problem, the division of the Sinhalese polity into two mutually adverse parties in the 1950s has been the greatest disaster that has befallen our country.

Therefore as we today record with joy the successful conclusion of the first year of the Ceasefire Agreement, we look forward to the second year with hope but not without apprehension.

There are those who still - without volunteering themselves or their children to the front lines - advocate a solution through war. As for the LTTE, we have to ask how prepared they are for democratic sharing of power not only with the Sinhalese people but also with non-LTTE groups in the North. If the military solution through the Sri Lanka Armed Forces is as much a solution doomed to futility as the military solution of the Tigers, the way ahead is only through a negotiated settlement. The task of the New Year that begins today is to take resolute steps forward towards such a negotiated settlement. ❐

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Tigers Torpedo Opening of Jaffna Public Library

D. B. S. Jeyaraj

"As is well known, the destruction of the Jaffna public library 22 years ago was an act of vandalism unheard of in Sri Lanka's modern history. Considering the stature the library enjoyed in the whole of Asia, as a well-spring of knowledge and culture, the torching of the library could have been considered an attempt at wantonly undermining the educational heritage of not only the people of the north, but of that of a sizeable section of humanity. For, most literate sections in this part of the world were united with the Tamil people in that searing moment of suffering and loss. The reconstruction of the Jaffna public library, therefore, by the Sri Lankan state could be looked upon as a profound act of rectification. It is an attempt at rectifying a grave wrong which had been visited upon the people of the north.... We also call on the southern public to shower their goodwill on the people of the north by helping to re-equip and restore it to its former standing, the reconstructed Jaffna public library, when the people of the north are ready to accept this hand of goodwill."

- Daily News editorial of February 14, 2003

Of the many acts of violence perpetrated against the Tamils of Sri Lanka prior to the July 1983 pogrom, the gutting of the Jaffna public library was perhaps the single incident that had the most profound impact on ethnic relations in the country. The Jaffna library was the best of its kind in the region and was interwoven with the life of many a Tamil. Anyone with the rudiments of literacy in Jaffna had availed himself or herself of the library in one way or the other at some stage of life. Moreover, the deliberate destruction was perceived as a well-conceived assault on Tamil culture and civilisation.

Fount of knowledge

The prime mover behind the original Jaffna library project was Rev. Fr. Long, rector of St. Patrick's College, Jaffna. The foundation stone was laid when Sam Sabapathy was Jaffna mayor in 1950. It was ceremonially opened in 1959 when Alfred Duraiappah was Jaffna mayor. It boasted of more than 97,000 books and hundreds of vintage ola manuscripts. A reputed Tamil scholar and Catholic priest, Rev. Fr. David - proficient in 26 languages - died of shock when hearing about the library's fate. Such was the bond between true seekers of wisdom and the fount of knowledge.

The Jaffna library was not attacked as a single act of violence. It was one of the many targets in an orgy of violence and arson. The District Development Council election campaign was on then. The Tamil United Liberation Front (TULF) held a propaganda meeting at Nachimarkovilady on May 31, 1981. Gunmen belonging to the People's Liberation Organisation of Tamil Eelam (PLOTE) led by Uma Maheswaran shot four policemen on duty - two Sinhala and two Tamil - in cold blood. Two died and a third some days later. It was suspected then that Nagalingam Manickathasan alias Thasan was responsible for it.

Hundreds of extra policemen, many of them reservists had been brought to Jaffna for election duty and were housed at the Duraiappah Stadium in the vicinity of the library. Many of them went bersek. After ransacking a liquor store and imbibing its stock the 'police mob' went on the rampage. A number of buildings and vehicles were attacked and set on fire. These included the TULF party office, the Jaffna based Eela Naadu newspaper premises, the house and jeep of then Jaffna TULF MP Vettrivelu Yogeswaran, and of course the library.

These barbarians in khaki burnt down the library buildings and also the books. Bonfires were lit and the 'coppers' brought load after load of books and threw them in the flames. They were also seen dancing and singing lustily while the Goddess Saraswati was being symbolically immolated. The Jaffna Police DIG then was "Brute" Mahendran. He was powerless to stop the destruction and was seen crying by a scribe. More than 175 policemen were charge sheeted later for departmental inquiry into the incident, but few were punished. The scholar and poet Nuhman wrote a moving poem on the incident evoking powerful imagery. He sang then that Lord Buddha himself was cremated in the library fire.

Different Sinhala dominated governments recognised that the Jaffna library torching was an indelible blot on the collective consciousness of humanity and tried to make amends. Even J. R. Jayewardene launched a President's Fund for its resurrection. Reconstruction was undertaken in stages and the first phase was opened in June 1984. Appapillai Amirthalingam, though out of parliament, was the chief guest at the function. In 1985, much of the reconstructed building was shattered in a mysterious explosion attributed to rogue elements in the security forces. Later artillery shelling into Jaffna town from Jaffna Fort premises was intensified. The area around the Fort got deserted. The library reconstruction project was shelved. A substitute library functioned in Nallur.

Reconstruction

Chandrika Kumaratunga became President in 1994 and reached out to the Tamils. One such meaningful gesture was the reconstruction of the library. Significant amounts of money were allocated out of the President's Fund. The White Lotus Movement spearheaded by Mangala Samaraweera also launched an islandwide 'brick and book' project for the Jaffna library. Other Jaffna District MPs also provided some money. Douglas Devananda in his brief tenure as minister allocated some finances out of Rehabilitation Ministry funds. This was followed by his successor Jayalath Jayawardena.

The National Library Services Board was also involved in the reconstruction project. Former Peradeniya University librarian Ian Goonetilleke and another renowned library scientist, Kamaldeen were actively engaged in the conceptual planning. Several Sri Lankans of eminent stature who had no direct links to Jaffna donated their valu-

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able collections to the library. Pieter Keuneman and Mervyn Casie Chetty being two noteworthy examples. Several foreign missions and non-governmental organisations also contributed books and cash.

Looked forward to event

It was amid such circumstances that the formal re-opening of the Jaffna library was looked forward to. Rs. 120 million had been spent for re-construction. Nearly 90% of the basic infrastructure was ready. What remained to be constructed was an additional wing housing a restaurant, elevators, air-conditioning and inter-com facilities. A further Rs. 25 million was required for this.

In the meantime, the Jaffna Municipal Council headed by the TULF was scheduled for dissolution on February 17. It was already on a year's extension. The 23-member Council comprised nine TULF, six PLOTE, eight EPDP and two EPRLF members. The Mayor was Sellan Kandaian, a member of the so called depressed caste community. Earlier, two TULF Jaffna Mayors (Sarojini Yogeswaran and Pon. Sivapalan) and a prospective Mayoral candidate (Pon. Mathimugarajah) had been assassinated on different occasions by the LTTE. Nadarajah Raviraj functioned as Mayor till being elected to parliament in December 2001. Thereafter, Kandaian took over and to his credit administered the Council well.

With his tenure of office coming to an end, Mayor Kandaian desired very much to formally open the library while in office. He was supported in this by all Jaffna MMCs regardless of party affiliations. Knowing the emotional significance and political symbolism of the Jaffna library, every MMC wanted to go out basking in the reflected glory of the re-opening. The United National Front (UNF) government was also willing to cooperate. So a date was set. It was February 14 or Valentine's Day. The Council was expected to breathe its last three days later. At least two Ministers Karu Jayasuriya and Jayalath Jayawardena were to attend the function. In a rare display of cross-party unity, the Council unanimously resolved that veteran Tamil leader and TULF President, Veerasingham Anandasangari should be the chief guest.

Opposition by vested interests

It was at this stage that problems arose. Several Tamil politicians outside the TULF became afflicted with the green-eyed monster. It was felt that Anandasangari and the TULF were going to reap all the kudos. Some conservative reactionaries were uncomfortable with Kandaian because of his caste background. Apart from this, some TULF'ers dissatisfied with Anandasangari were also opposed. Like the assassins of Julius Caesar who drew their knives separately and struck jointly, these elements with different motives too became united in purpose.

The intention was to scuttle the formal re-opening of the library. The excuse proffered was that there was more construction to be completed. While the library was to be 'officially' declared open on February 14, it was going to be open to the public only from February 20 on account of some minor work to be completed. The opening had been advanced as stated earlier for political reasons. This and the fact that some additional work had to be done were utilised as reasons for deferring the opening.

The Mayor and TULF stalwarts pointed out that developing the library was an on-going project and that further progress would be recorded in the days to come. They insisted that the library would be declared open as scheduled. It seemed clear that Mayor Kandaian was determined to go ahead with the opening despite this opposition. The Council too backed him unitedly.

Tigers to the scene

It was at this stage that the Tigers entered the scene. There was a convergence of interests between the disparate elements opposed to the opening and the LTTE. The LTTE's involvement transformed the situation and strengthened the hands of the anti-opening forces. The LTTE apparently had their own reasons for opposing the opening.

Despite the overall hegemony of the LTTE and the subservient role played by the Tamil National Alliance (TNA), the Jaffna Municipal Council under Mayor Kandaian had maintained some degree of independence. It was the Jaffna Municipal Council that first passed an unanimous resolution condemning the Tigers for imposing taxes. Besides, the very fact that the Jaffna Municipal Council had - despite LTTE assassinations of Mayors - survived as a functional entity, was by itself a source of irritation. The library opening would be seen as a jewel in the Jaffna Municipal Council crown. The Tigers also resented the relatively 'independent' Anandasangari getting the limelight. There was also the fact that the library opening would herald a sense of normalcy. Despite the insistence on 'normalcy' by the LTTE, it was in Tiger interests to thwart normalcy as far as possible.

Initially, the LTTE kept itself in the background and instigated its front organisations like the International Tamil Students Union and the consortium of Jaffna public organisations to spearhead the opposition. Despite the campaign, Mayor Kandaian backed by the Municipal Council held his ground. In a bid to diffuse tension, the Mayor also extended an invitation to Jaffna's LTTE Political Commissar Illambaranthi to participate as guest of honour along with Anandasangari as chief guest. The LTTE only redoubled its efforts to scuttle the opening. The Tiger fronts announced a Jaffna-wide hartal and protest demonstration for February 14. Anonymous leaflets threatening a "rathakkalari" (bloodbath) were distributed.

Postponed indefinitely

Mayor Kandaian though intimidated remained unrelenting still. On February 12, two LTTE representatives from the Wanni - Solomon and Cyril along with Jaffna student activist Gajendran called on the Jaffna Mayor and warned him not to go ahead with the opening. On the 12th night, some 'unknown' persons tied up the library watchers and absconded with all the keys and some other valuables. This in turn brought about a very large number of police and army personnel to occupy the library premises on the grounds of security.

On February 13, TELO Jaffna District Parliamentarian M. K. Sivajilingam called on the Mayor and 'advised'

(continued on next page)

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A Federal Constitution for Sri Lanka: A Farce, Fraud or Fact?

Dr. Oswald B. Firth OMI
Director, Centre for Society and Religion

"Under a federal system of governance there will be self-rule This is the system that prevails in America, Australia, South Africa and Canada. The federal system of governance that is found in Switzerland is perhaps the best model suited for Sri Lanka. Self-rule should be the norm in every part of Sri Lanka There would be many who would oppose this view. But once this opposition dies down, it is evident that some form of self-rule is bound to emerge."

- S.W.R.D. Bandaranaike,

26th July 1926, Ceylon Morning Leader

Question of sincerity and trust

A pervasive exuberance greeted the Cease-fire Agreement that brought to an end a protracted and intractable war that had bled the country of its precious human lives and economic resources for close upon two decades. Paradoxically, the speed with which the peace process is traversing irreversible distances along the fast track towards a federal form of power-sharing is causing grave concerns among people. Is this concern more because they are confronted with reports of child abductions, extortion and smuggling of arms by the LTTE, not to speak of innumerable other transgressions of the MoU, it is said to be guilty of? The irony is that while High Security Zones and the resettlement of displaced persons are receiving high profile attention in the third round of peace negotiations

In Thailand, where maximum media publicity is lavishly showered on the leading actors who are crafting a 'Peace Deal', a veil of silence is drawn over rather brazenly outrageous acts that could make the entire process an exercise in deception.

In the meantime, both the government and the LTTE are replenishing their stock of arms and recruiting combatants into their respective military outfits. This apparent duplicity of negotiating peace while preparing for war is painfully

disturbing. As the euphoric and relaxed feelings generated by the ceasefire begin to wane, there is growing scepticism as to whether the much-publicized negotiations in Sattahip, Nathom Pathom and Oslo are mere showpieces of crisis management to inveigle the international community to release the much-needed funds for economic survival. At the ground level, has the LTTE strategically delayed its claim to a separate state in order to placate those countries sympathetic to its struggle, while in the interim agreeing to federalism which guarantees internal self-determination, regional autonomy and self-rule prior to eventual secession? If this is the underlying reality that sees to elude us, has not the much touted peace process succumbed to highly romanticized euphoria? In simple jargon, are we not being taken for another ride to an unknown destination?

How genuine is the conversion?

What appears on the surface is that the LTTE has undergone a process of conversion and transformation in its military and political ideology and strategies. It has agreed to negotiate instead of engaging in war, and has retreated from secession to federalism. But what are the motivating factors for such a change? - one would query. When the LTTE declared a cease-fire, they had acquired unprecedented military power and were not retreating. Unlike many rebel groups in the world fighting for independence, they had set up certain parallel administrative and judicial structures to regulate civilian life in a separate state. But were they now foregoing this objective for internal self-determination in the form of federalism only as an interim arrangement?

Having anointed itself as 'the sole representative of the Tamil people' the LTTE has now to accommodate itself to the political agenda in which elements of democracy, pluralism and human rights to satisfy the national and international peace lobby, are high on the cards. It may turn out to be an uphill task for the LTTE to convince the Tamil people in general and the LTTE cadre in particular that the type of federalism to which it will agree goes beyond what Chelvanayagam had proposed in the late 1950s? Otherwise, how could the LTTE account for and justify the death, destruction and relentless suffering people in the North and East have had to undergo for a good part of their life in their quest for the elusive Eelam which hopefully is not to be? Therefore, would federalism be a satisfactory trade-off for the sacrifices made thus far by the Tamil people whom the LTTE claim to represent? Has 'federalism' suddenly become the only viable alternative to Eelam?

(Continued from page 24)

him to abandon the opening. TELO is not represented in the Jaffna Municipal Council. An increasingly worried Kandaian was conferring with some MMCs when Jaffna's Tiger Political Chief Illambaranthi made an unannounced entrance. Soon, Mayor Kandaian and Illambaranthi were engaged in confidential discussions behind closed doors. The Mayor was 'strongly urged' by Illambaranthi to postpone the opening.

Thereafter, Kandaian summoned the Council for an emergency meeting and informed them of the situation including the ultimatum issued by Illambaranthi. The Council recognised the seriousness of the situation and decided unanimously not to go ahead with the library opening. It was postponed indefinitely. In a demonstration of protest, the Mayor and Council resolved to tender their resignations en masse. It was a symbolic act of defiance amounting to the Jaffna Municipal Council's swansong. As far as the Tigers were concerned, they had succeeded in torpedoing the Jaffna library opening. ❐

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Nominal federalism?

Even more important, what guarantees are there that Mr. Prabhakaran will not move in the direction of a de facto secession, while de jure remaining linked to the central government within the framework of a redrafted Constitution which will be referred to as 'federal'? Is it not an institutionalized epithet that can have a whole range of meanings since it has not been adequately defined? These are the grey areas that remain ambiguous, and they are being used by President Chandrika Kumaratunga, some chauvinist elements in the PA, the JVP and other extremist political elements to influence the minds of people in the South against the current peace process branded as a 'sell out' to the LTTE! But what is the form of federalism that will not only motivate the LTTE to positively relinquish its demand for a separate state but also assuage the fears of the people in the South that there will be no territorial bifurcation of the country. In order to create such a healthy climate the LTTE should be ready to opt for 'co-operative federalism' with checks and balances and institutional shock absorbers which will subject all problems to discussions, compromise and rational solutions while rejecting all forms of violence and the threat of secession.

This is the area where religious leaders and the intelligentsia should be focusing their attention on and contributing their share to the peace process, rather than leaving the entire process to the propaganda blitz emanating from Thailand across our TV channels. Unless the government's and the LTTE's negotiation politics are subjected to thorough scrutiny and an in-depth critique of proposed federal structures, combined with civil society's interventions to resolve the crisis in the long term, demanding accountability when things go wrong would become abortive of any positive results.

Prevailing scepticism

Detractors of the peace process have raised the issue of investing trust exclusively in a militarized entity such as the LTTE, which has never had the will nor the opportunity to practise democratic politics. Instead, it has destroyed almost every vestige of existing democratic structures which included the elimination of all political parties and activists in the North that claimed allegiance to democratic norms and practices. They included the much lamented Neelan Tiruchelvam, A. Amirthalingam and a galaxy of other leading Tamil political leaders who became the victims of the LTTE hatchet men, all because they advocated a pluralism in this multi-ethnic polity of ours. Therefore, scepticism about the LTTE's capacity for a political transformation in the direction of democracy is well founded. The LTTE may argue that prevailing military conditions provided little space for democratic alternatives, but that stance is losing credibility now that the UNF Government has gone a long way in providing a political culture that will ensure democratic institutions and processes to function without any let or hindrance once a Federal Constitution becomes a fiat accompli.

While those in the South may still harbour reasonable doubts as to the LTTE's intentions to enter the democratic process, it is the responsibility of the South to interact with the Tamil people in order to provide them with

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the necessary political space without war and violence that would ensure that the LTTE continues to engage in serious political negotiations with the government which will provide the needed ambience for democratic alternatives to emerge. This is where a more abiding relationship between the religious and civic leaders of the North and South, despite barriers of language and other socio-cultural differences, are vital if they, as responsible agents of civil society, are to contri-bute to the creation of that political space for democratic institutions to emerge and flourish within a federal structure.

The role of civil society

As things are, there is compelling evidence to show that both the government and the LTTE consider themselves to be the sole agents of conflict resolution. This myopic outlook has not only led to polarizing the government, the LTTE and the peace-oriented NGOs into one camp, while the President, the JVP and a few extreme elements in the PA have distanced themselves from the peace process to the extent that they have unwittingly earned the sobriquet as 'peace-spoilers'. Whereas people's participation should have been nursed and nurtured in support of the peace process, they are now being drawn into either 'pro-peace' or 'anti-peace' camps.

The fact, however, is that everyone wants peace. Thus, while peace agreements negotiated and signed by leaders of the two sides are important, they cannot guarantee a lasting, fruitful and sustainable peace, whether in the form of a federal government or otherwise, without the solid participation of the people both of the North as well as the South. If these opposing parties are not drawn into the peace process as one coordinated and integrated unit, we may have an 'absence of war' but not an absence of internal conflicts or the presence of conditions that make war unnecessary. It is only when such a broad framework of unstincted cooperation is in place that there will be a win-win situation that guarantees a sustainable peace with justice and fairplay to all communities in this much-beleaguered country.

**The writer is the Editor of Social Justice, the monthly journal published by the Centre for Society and Religion.* ❐

Clash over Belts Provokes Protests

16 February: Tension over an incident on 12 February in Manipay in the Jaffna peninsula threatened to spill over into major crisis threatening the ongoing peace process. The incident involved a dispute over the belts worn by eight women cadres of the LTTE. The Army claimed they wore military belts, but the LTTE said they wore civilian belts. After the women were forced to remove the belts crowds staged a massive protest and a riot squad from the police and the Army allegedly attacked the crowd.

The developing tension and associated incidents led to a flurry of meetings among the government, LTTE, the Norwegian facilitators and the Sri Lanka Monitoring Mission.

SLMM Deputy chief Hagrup Haukland told the press that LTTE chief negotiator Anton Balasingham had been in touch with Minister Milinda Moragoda over the incident and agreed to take steps to bring the situation under control.

In a bid to settle the dispute peacefully Jaffna Army Commander Sarath Fonseka met Jaffna LTTE political wing leader C. Ilamparathi and SLMM Jaffna chief Ole Brondum for three and a half hours of talks. During this meeting the army admitted it had violated the ceasefire agreement by deploying the riot-squad to deal with the situation, the SLMM said.

The army also said it would not forcefully remove these military type belts from female cadres in the future and at the same time the LTTE assured that the female cadres would not wear such belts.

The army said that if they observed female cadres with such belts, they would not forcefully remove them but on the other hand would complain about it to the SLMM.

This type of belt has been ruled by SLMM some time ago, as being a part of the LTTE female cadre uniform and under the ceasefire agreement the uniforms of one party is not allowed to be worn in the area controlled by the other party.

The incident occurred on 12 February at around 10.00 am at the Manipay junction when Sri Lankan soldiers attempted to remove military type belts worn by eight female cadres. Soon after several hundred people had gathered at the scene and were protesting against the incident when SLMM monitors arrived, SLMM spokesman Teitur Torkelsson said.

He said that at 12.05 pm the army and police used anti-riot squads to disperse the crowd and at that time there were SLMM monitors on the scene who observed the anti-riot squad attacking at least five innocent people with long sticks.

It is clear that the anti-riot squad was carrying out an attack and according to the ceasefire agreement it was a hostile act against the people and it was a violation of the agreement, Mr. Torkelsson said.

The SLMM Jaffna chief said that during the meeting the LTTE denied that its female cadres were wearing the military type belt, which had resulted in the incident leading to a clash.

The monitors in Jaffna noted that they did not see the female cadres wearing any military belts when they arrived, and on the other hand they were seen wearing civilian type belts. LTTE sources said that the Tiger political office in Jaffna had complained of the incident to the SLMM and noted that there was tension in the area with shops being closed. They said the army had attacked the people and in the melee an EPDP office also had been stoned.

The LTTE condemned the attack on their unarmed female cadres in Manipay by Sri Lankan soldiers and warned that such incidents would "seriously jeopardize" the Norwegian peace process.

"We condemn this brutal attack on our cadres and members of the public by the Sri Lanka Army in the strongest terms," Mr. Anton Balasingham, Chief Negotiator and political advisor to the LTTE said. Describing the incident as "an intolerable provocation," Mr. Balasingham said "the peace talks with the Sri Lankan government will undoubtedly be seriously jeopardized if such incidents continue."

"This deliberate attack on our cadres and the subsequent violence against civilians is a severe blow to Tamil public confidence in the peace process which has been weakened by the military's refusal to honour key aspects of the ceasefire agreement," he said further.

To prevent future incidents of this nature, the LTTE and the Government agreed to allow women LTTE cadres to wear any civilian type belts when entering and staying in government control-

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led areas, a press release issued on 16 February by the Sri Lanka Monitoring Mission (SLMM) said.

The press statement further said "there is now an urgent need for a modern, well trained police force in order to gradually normalise the situation in the Government controlled areas in the North and East of Sri Lanka."

"Using military forces to maintain law and order can be justified during times of war, but is highly likely to lead to unnecessary violence and increased tensions during times of peace," the SLMM statement said.

Full text of the SLMM statement titled *"Military Uniform Type of belts worn by LTTE Cadres – Manipay Incident"* stated:

"To avoid future clashes between the forces of the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE), over LTTE cadres using military uniform type of belts in Government controlled areas the following interim arrangements have been made by Sri Lanka Monitoring Mission (SLMM) and accepted by both parties:

LTTE cadres wearing military uniform type of belts, will voluntarily remove such belts before entering into Government controlled areas and will not wear them while staying in Government controlled areas. LTTE cadres that do not follow this procedure will be denied access to Government controlled areas. If LTTE cadres do not follow this procedure, the forces of the Government of Sri Lanka will immediately call for SLMM assistance. Such provision is also given to the LTTE. SLMM monitors will, on the spot, rule the situation and advise both parties to comply strictly with the abovementioned procedure. It should be made very clear that these arrangements apply for military uniform type of belts only. Consequently, LTTE cadres may wear any type of civilian belts when entering and staying in Government controlled territory.

A clash over LTTE cadres wearing military uniform type of belts, took place between Government forces and LTTE cadres at Manippay in Jaffna peninsula on Wednesday 12th of February. SLMM ruled on the 16th of January that such belts were a part of the LTTE female cadre uniform. Therefore it can be considered a violation when LTTE cadres wear them in Government controlled areas. The decision of the Government forces to forcefully remove the military uniform type of belts from the LTTE cadres on the scene clearly created tensions which lead to a demonstration led by LTTE. An anti-riot squad was deployed by the Government forces to disperse the crowd. SLMM Monitors on the scene witnessed members of this riot squad attacking and beating innocent people that had nothing to do with this demonstration. These actions of the anti-riot squad were hostile acts against the population and as such, constitute a clear violation of article 2.1 of the Ceasefire Agreement which states: "The Parties shall in accordance with international law abstain from hostile acts against the civilian population, including such acts as torture, intimidation, abduction, extortion and harassment."

SLMM urges all Government forces and all LTTE cadres to show restraint and discipline and to avoid confrontations with each other at all times. It is the evaluation of SLMM that there is now an urgent need for a modern, well trained police force in order to gradually normalize the situation in the Government controlled areas in the North and East of Sri Lanka. Using military forces to maintain law and order can be justified during times of war, but is highly likely to lead to unnecessary violence and increased tensions during times of peace.

In spite of numerous violent incidents during the Ceasefire period, there is no doubt that the Government of Sri Lanka and the LTTE leadership have shown a strong dedication for a negotiated settlement to the long conflict between them. SLMM is of the opinion that every time the parties overcome one more of those difficulties, they strengthen the ceasefire and gain more confidence in their own ability to move forward to a permanent peace." ❐

Three 'Sea Tigers' die in boat blast

On 6 February, three cadres of the LTTE committed suicide and blew up the their trawler following an inspection by the Monitors of the Sri Lanka Monitoring Mission, (SLMM). A joint statement issued by the government of Sri Lanka and the LTTE on the same day stated, "On 7 February an incident on a Sea Tiger vessel near the Delft islands resulted in the tragic loss of three lives. The situation leading up to the incident had been discussed between the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE) on 6 February. On the evening of the same day, the parties agreed on a procedure to resolve the matter by asking the Sri Lanka Monitoring Mission (SLMM) to conduct an inspection of the vessels involved to clarify the situation. Due to an apparent communication failure between the LTTE naval commander and the cadres on board one vessel, the crew members were not informed of the agreed procedure, and the cadres set fire to the vessel and took their own lives. In co-operation with the SLMM, the parties will review existing procedures in order to avoid similar incidents in the future. The ongoing session of peace talks will continue as scheduled."

The three Tigers who committed suicide in this incident have been identified as Sea Tiger Major Aatalone or Suthan (Krishnaswamy Satheeswaran of Chavakachcheri), Sea Tiger Captain Pothikai Thevan (Sivagnanasundaramoorthy Thayaparan, Puloly South)' and Sea Tiger Captain Anton or Oorvannan (Rasiah Kugathas, Ariyalai).

The international Sri Lanka Monitoring Mission (SLMM) issued a statement setting out in detail the sequence of events that led to the incident at sea off Delft islnd.

According to the SLMM statement, round 14.00 on February 6th the SLMM was requested to assist the Sri Lanka Navy (SLN) that had intercepted a trawler being towed by a speedboat with a LTTE crew on board, south of Delft Island off the Northwest coast of Sri Lanka. One SLMM Monitor arrived on the scene. The trawler's engine was not working and it was anchored. The Captain on board the LTTE speedboat stated that both boats belonged to the LTTE and the trawler was being towed to the shore by the speedboat since its engine had broken down while fishing.

The LTTE crews threatened to

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commit suicide if the SLN would attempt to inspect their boats, but welcomed inspections by SLMM. The speedboat had 12 persons on board, was open and without a wheelhouse and was easily inspected. After SLMM's inspection, the speedboat was declared clean and was allowed by SLN to leave the area. Another SLMM monitor arrived on the scene to provide asistance.in dealing with the situation. The trawler was approached in the dark, with the searchlight on the SLN vessel lighting up the scene. The SLMM Monitors stated that now, one SLN officer would go on board to inspect the trawler along with the two SLMM Monitors. The LTTE crew threatened to put the trawler on fire and again threatened to commit suicide if SLN would take part in the inspection. The SLN vessel, with the SLMM Monitors on board, subsequently withdrew from the trawler.

"On Thursday evening the Head of SLMM was in direct contact with the Peace delegations of the Government off Sri Lanka and the LTTE in Berlin and ordered the Monitors to wait for further instructions. The Government peace delegation accepted that SLMM would be allowed to inspect the trawler on their own and the LTTE peace delegation agreed on that solution. A condition for this solution was that it would not set any precedence for future inspections. This agreement was relayed to the Monitors on board the SLN vessel at 01.15 early morning of Friday 7th.

At 07.00 hours in the morning of Friday, February 7th, the two SLMM Monitors boarded the trawler to do the full inspection. Their Tamil interpreter stayed on the SLN vessel lying alongside the trawler and translated the discussions between the SLMM Monitors and the three members of the LTTE trawler crew. The Monitors stated that they were doing this inspection according to an agreement made by the both Peace delegations in Berlin.

The trawler was thoroughly inspected. Dry and clean fishing nets were on the front deck but no fish or signs of fishing activities were noted on board. By measuring the compartments on the trawler, the Monitors realized that a hidden compartment of approximately one meter length and as wide as the trawler, was below deck. One monitor went into the fish-hold where he removed a new wooden panel with new nails and thus broke through a false wall into a hidden compartment below deck. In this compartment the following items were stored:

a) 1X23 MM Gun barrel (built at Anti-Aircraft), b) 1X Complete Mechanism for the 23MM Barrell, c) 1X Complete steel mounting for the 23MM gun, d) Several hundred rounds of 23MM ammunition in a plastic barrel and 2 metal boxes, e) Several hundred rounds of AK47 assault rifle ammunition in a sealed metal container.

"The gun barrel and the mechanism were wrapped in clean cotton cloth bags and plastic sheeting fitting these items. The steel mounting for the 23MM gun is designed to be bolted on a flat deck with bolts. The LTTE speedboat that was towing the trawler did not have any bedding for the type of gun and steel mounting found on the trawler. On the other hand, the speedboat only had a fixed tripod usable for a light machine gun. In addition to the items mentioned above, 3X hand grenades were on the boat; one found in the wheelhouse and two handed over to the SLMM Monitors by the LTTE crew. The Monitors photographed both LTTE boats on the scene and the above mentioned items. The Monitors stated that transporting these items was a clear violation of the ceasefire agreement (CFA). The SLMM Monitors put the hand grenades in a box and handed it over to the SLN vessel as a safety precaution.

At 09.00 the Head of SLMM had informed both Peace Delegations in Berlin about the findings of SLMM. When asked for suggestions, Head of SLMM suggested the following: (1) The trawler should be towed to the nearest port by the SLN; (2) SLN would confiscate the military equipment and do their own inspection of the trawler (3) SLMM should be responsible for the three LTTE cadres and transport them in a SLMM vehicle to the LTTE controlled territory. This suggestion of SLMM was to be discussed promptly by the Peace delegations in Berlin and their decision was awaited.

Around 11.00 hours the sea south of Delft was getting more rough, weather was worsening and it started to rain. It was agreed between the SLMM Monitors and the officer in charge of the SLN vessel, that due to these conditions, the trawler should be towed closer to the island of Delft. The SLMM Monitors stayed on the trawler with the LTTE cadres and stated that they would stay with them all the time and they would not be handed over to the SLN. One LTTE crew member assisted the Monitors in cutting the anchor line and at 11.30 the SLN started towing the trawler in the direction of Delft.

Around 12.00 hours the SLN vessel stopped 4.4 Nautical miles south of Delft and relayed a message from LTTE in Kilinochchi via SLMM in Jaffna and SLN KKS Naval base that the LTTE crew should contact their Headquarters via radio. At 12.05 one of the LTTE crew members got in contact with his Headquarters through the radio on board the trawler and had a 15 minutes conversation. The SLMM Monitors overheard the Tamil conversation. They could not understand it, but the communications through the radio were both loud and clear. Around 12.20 the radio conversation was over. Just before the conversation was finished one LTTE crew member went to the back of the trawler. Just as the conversation was over, a second crew member already had a bottle and a lighter in his hands inside the wheelhouse. One monitor took the lighter from him and threw it into the sea.

At the same moment the SLMM Monitors saw that all the back of the trawler was already on fire. Then the Monitors ran to the front of the trawler and jumped into the sea. The Monitors were in the sea for 10-15 minutes until they were picked up by the SLN vessel. According to the SLN personnel and the SLMM interpreter on board the SLN vessel, the LTTE crew members took their own lives while the Monitors were in the sea. The Head of SLMM informed the Peace delegations in Berlin about this a few minutes later. The SLN vessel stayed on the scene for approximately 2 1/2 hours with the Monitors on board and then headed to KKS naval base in Jaffna when the Monitors left. Two SLN vessels were left on the scene with the trawler still burning.

During an incident in the same area in July 2002 two SLMM Monitors were held against their will on a LTTE trawler, while it escaped a SLN vessel. After that, the SLMM decided, that as a general rule, SLMM Monitors would not board LTTE boats except for monitoring inspections done by SLN and during pre-arranged Sea Movements of LTTE agreed by the Government of Sri Lanka.

SLMM did not follow this rule during the events South of Delft, in order to defuse the situation created when the LTTE crew threatened to commit suicide. It should be underlined that the Government of Sri Lanka and the LTTE leadership agreed that SLMM would inspect the LTTE trawler south of Delft and that this arrangement was an exeption from the general rule that SLN should inspect LTTE boats with SLMM only monitoring the inspection. ❐

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What Impedes Economic Revival in North-East Sri Lanka?*

Muttukrishna Sarvananthan[Ω]

Introduction

The Government of Sri Lanka (GOSL) lifted the economic embargo on the rebel held areas of the North-&East (N&E) province on January 15, 2002. The economic embargo was in effect since 1990 and covered over 60 consumer goods including fuel, food, and medicine. Some goods were totally prohibited from entering the rebel held areas of the N&E province and some had quantitative restrictions. The economic embargo created an informal market for these prohibited and restricted supplies of goods in the rebel held territory, which is almost 30% of the total land mass of Sri Lanka.

The economic embargo made the Liberation Tigers of Tamil Eelam (LTTE) rebels to play a dominant role in the management of the economy in the territory under their jurisdiction. This in effect created a dual economic system in the country. Whilst the rest of Sri Lanka pursues a private sector led liberal market economic model, the LTTE held territory has been pursuing a command economic model in the past 12 years. Some of the salient features of such a command economy were severe shortage of essential and other consumer goods, rationing, hyperinflation, and LTTE run transport, trade and productive enterprises.

At long last, the economic embargo was unilaterally withdrawn by the GOSL with effect from January 15, 2002. It is now one year since the lifting of the economic embargo. The objective of this paper is two folds; one is to highlight the implications of the lifting of the economic embargo on the economy of the N&E province. The second is to identify the factors that inhibited economic revival in the N&E province in the past year, since the lifting of the economic embargo.

After the lifting of the economic embargo in January 2002 the economy of the N&E province got further impetus with the opening of the A9 highway on April 08, 2002. The A9 highway is the major road linking the Northern Province with the rest of the country, which was closed from Vavuniya to Jaffna for vehicular and civilian traffic for about 12 years. It is important to remember that while the lifting of the economic embargo was done unilaterally by the GOSL, the opening of the A9 for vehicular and civilian traffic was an outcome of the Memorandum of Understanding (MoU) signed between the GOSL and the LTTE in February 2002 as a result of the facilitation by the Norwegian government. The withdrawal of the economic embargo and the opening of the A9 highway have resulted in the reintegration of the N&E economy with the rest of the country. There is free flow of goods (except arms & ammunition, explosives, remote control devices, telescopes, and pen torch batteries) from the rest of the country to the LTTE held areas and *vice versa*. However, though the GOSL has withdrawn the requirement to obtain a pass for the movement of civilians to and from the LTTE held areas, the LTTE still operates a pass system, albeit a less stringent one to what was in operation before. Thus, the movement of civilians to and from the LTTE held areas is still not totally free. The two-way flow of goods (to/from the LTTE held areas) has its gainers and losers.

The free flow of goods from the rest of the country (including imported items) to the LTTE held areas has gainers and losers. Thus, the consumers in the LTTE held areas are the major gainers and the producers in the LTTE held areas are the major losers. On the positive side, the free flow of goods from the rest of the country to the LTTE held areas has depressed the prices of such goods which benefits the consumers. However, the prices of such goods are still higher than what it ought to be due to the taxation by the LTTE. On the negative side, the free flow of goods from the rest of the country to the LTTE held areas has badly affected the local producers of the same or similar goods. Many local producers in the LTTE held areas are deprived of their livelihood due to the inflow of cheaper and better quality Sri Lankan made and foreign made goods.

In the same line, the free flow of goods from the LTTE held areas to the rest of the country has gainers and losers. The producers in the LTTE held areas have benefited from the opening of the entire Sri Lankan market to their produce because of higher prices they fetch now. On the other hand, the consumers in the LTTE held areas have lost out because of higher prices they have to pay now. During the time of economic embargo perishable agricultural produce including vegetables, fruits, and fish were very cheap in the LTTE held areas due to over supply. But, the prices of these perishable food items have shot up since the opening of the A9 highway. As a result the consumers in the LTTE held areas are worse off now than before.

In sum, the lifting of the economic embargo and the opening of the A9 highway has costs and benefits to the economy and people of the N&E province. The main challenges in the province are for the local producers (who have lost out due to the influx of goods from other parts of the country) to become competitive or find alternative productive activities, and the local consumers to find means of increasing their income in order to afford to purchase the higher priced local food produce. Unfortunately, alternative productive activities and increasing the income levels of the consumers are slow to come by due to a variety of factors. Although trade between the N&E province and the rest of the country has expanded enormously, not many new productive activities have taken place in the past one year. This has, quite naturally, resulted in disenchantment among the masses. It is important to remember that the present situation is a pause-in-conflict rather than a post-conflict situation.

Historically, agriculture was the mainstay of the N&E economy, specifically food crops, cash crops (such as chillies, onions and tobacco), and fisheries. There seems to be fundamental institutional impediments to kick start productive activities in all sectors of the N&E economy. The major objective of this paper is to identify these institutional impediments to economic revival in the N&E province. The process by which these institutional impediments

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were identified was through study tours to 6 out of 8 districts in the North&East province (including both the government held and LTTE held territories) in the past 10 months by the author. These study tours entailed meeting government officials (central, provincial and local), LTTE officials, non-governmental officials (local, national, and international), learned people, entrepreneurs, and the general public.

Impediments

(i) Sri Lankan side

One of the major institutional impediments is the high security zones imposed by the Sri Lankan armed forces in the N&E province, particularly in the Jaffna peninsula, in line with the MoU. The majority of the Northern Province population lives in the Jaffna peninsula. Almost one-third of the land area of the peninsula (in Valikamam north) is classified as high security zone and barred for civilians, which used to house more than 100,000 people. These people are now displaced and productive activities discontinued. This vast high security zone encompasses some of the most fertile agricultural lands in the peninsula. During the pre-war times the N&E province used to produce a significant proportion of the total requirement of rice, chillies, onions and tobacco of the entire country. Since the beginning of the civil war in 1983 a major proportion of rice, chilli, and onion requirements are imported from abroad.

Moreover, the Sri Lanka army occupies almost half the city centre of Jaffna. It is important to remember that Jaffna is the commercial hub of the N&E province. The occupation of prime commercial properties in the heart of the city is one of the major obstacles to business development in the peninsula. Several hotels and other private and public properties in the city are still occupied by the Sri Lanka army. Ironically, while security barriers and checkpoints in the city of Colombo have been removed since December 2001 the city of Jaffna still resembles a theatre of war.

Further, certain time and geographical restrictions on fishing still exist in the Northern Province, particularly in the Jaffna peninsula, despite some relaxation in the past one year. Fishing is one of the primary economic activities in the N&E province, and during the pre-war times used to account for two-thirds of the total fish catches of the country. However, due to severe restrictions on fishing, Sri Lanka has become a significant importer of fish in the past two decades. The restrictions on fishing in Sri Lanka have resulted in fisherpersons from India, Japan, Taiwan and Thailand encroach the Sri Lankan seas.

The A9 highway is opened for vehicular and civilian traffic for only 10 hours a day (7.30am to 5.30pm) and six days a week. This highway is closed on Sundays. These restrictions are another major impediment to economic revival in the Northern Province. The entrepreneurs in the Jaffna peninsula complain that it takes 3 days for goods to arrive from Colombo via the A9. This is not only because of the restricted access to the highway, but also due to checking at four points by the Sri Lankan army and the LTTE (two points each). The entire consignment is offloaded, checked and reloaded into lorries and trailers at each point. The Sri Lankan army checks the flow of goods via the A9 in order to ascertain whether banned items are being transported, whereas the LTTE checks are primarily for the purpose of taxation. These delays in the transport of goods via the A9 increase the transaction cost of businesses.

The businesses in the N&E province are not entitled to engage in import/export trade directly. That is, businesses in the N&E province cannot open Letter of Credit (LC) at the banks in the province. Hence, the traders in the province have to purchase imported goods from Colombo-based importers, which increase the transaction cost and consequently the retail prices. This is a major hindrance to external trade development in the province.

The banks in the N&E province are stringent in the disbursement of loans to farmers, fisherpersons, and traders. The collateral requested by banks in the province seems to be higher than what is required in other parts of the country. Although many private banks have ventured into the N&E province in the past one year, the primary motive seems to be tapping the savings of the masses in the province. Thus, the lack of access to bank credit is identified as one of the major impediments to economic resurgence in the N&E province.

Another reason for the lack of bank finance for businesses in the Jaffna peninsula is that since the peninsula was cut off from the rest of the country for a long time a lot of new businesses established in the past 20 years are unregistered with the GOSL. Most of these unregistered businesses may have wilfully done so in order to avoid paying business taxes to the GOSL, because they do pay tax to the LTTE. In the Northern Province it has been easier to evade government taxes, but not the LTTE taxes. It is extremely difficult to pay taxes to both the government and the LTTE and keep the business afloat. Therefore, most of the new businesses opted to be unregistered and be in the informal economy. This non-registration deprives them of access to bank loans.

(ii) LTTE side

Another major impediment to economic revival in the North&East province is the taxation by the LTTE. The LTTE imposes direct and indirect taxes on the people of the province. The public servants in the province are occasionally asked to contribute a certain percentage of their monthly salary as income tax. For example, occasionally school principals are asked to set aside a certain percentage of the monthly salaries of teachers to pay the LTTE. Sri Lanka is a unique country where public servants do not have to pay income tax (Indian public servants, for example, do), but the Sri Lankan public servants working in the N&E province are illegitimately taxed by the LTTE. The private tutors in the province are taxed as well.

These taxes are not only imposed in LTTE held areas but also in government held areas of the N&E province. The tiger tax regime has been in operation at least since 1990 and is not an outcome of the MoU signed in February 2002. However, until the signing of the MoU these taxes were levied clandestinely in the government held areas of the N&E, but now it is much more open and systematic. This illegitimate imposition of income tax has resulted in the exodus of teachers, medical officers, and other public servants from the province that has depleted and deteriorated the public service in the province.

There is a severe shortage of school/university teachers and medical officers in the N&E province, because very few Tamil speaking teachers and medical officers (let alone the Sinhalese) are willing to take up posts in the province. During the time of war the fear of prob-

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ability of being killed was the primary reason for the lack of interest in working in the province. However, even after the ceasefire there is not much interest among public servants to work in the N&E primarily because of the fear of the LTTE taxation. It is important to note here that the Sinhala public servants working in the N&E are not taxed, and only the Tamils and Muslims are taxed. Thus, during the past one year LTTE taxes have been the major cause of the failure to improve the quality of public education and health services in the province.

The farmers in the LTTE held territory are also taxed either in cash or in kind. The farmers and fisherpersons are expected to contribute part of their output to the LTTE coffer irrespective of their income level or the size of the household. The taxation of the agriculture sector by the LTTE in the N&E province is again a unique phenomenon because the farmers in other parts of the country are exempt from income taxation. Likewise, small scale manufacturing concerns and service providers are also taxed a percentage of their monthly income. In some parts of the Jaffna peninsula the LTTE has the audacity to demand taxes from businesses backdating from 1996 when the LTTE was forced to withdraw from the peninsula. The direct taxes paid by the farmers, small-scale manufacturers, and service providers are passed on to the customers in the form of higher prices. Hence, the higher prices of goods in the N&E province, even after the lifting of the economic embargo, are mainly due to taxes imposed by the LTTE.

On the issue of tiger taxation it is worth referring to Che Guevara, the icon of guerrillas worldwide:

"*The fundamental principle that ought to prevail is that of paying always for all merchandise taken from a friend. This merchandise can consist of crops or of articles from commercial establishments. Many times they will be donated, but at other times the economic conditions of the peasants prevent such donations. There are cases in which the necessities of warfare force the band to take needed food from stores without paying for it, simply because there is no money. In such cases the merchant ought always to be given a bond, a promissory note, something certifies to the debt*" (Che Guevara, *Guerrilla Warfare*, Manchester University Press, 1985, pp121). "*Merchandise that cannot be paid for in cash will be paid for with bonds; and these should be redeemed at the first opportunity.*" (Che Guevara, *op cited*, pp 79)

"*If conditions continue to improve, taxes can be established; these should be as light as possible, above all for the small producer. It is important to pay attention to every detail of relations between the peasant class and the guerrilla army, which is an emanation of that class. Taxes may be collected in money in some cases, or in the form of a part of the harvest, which will serve to increase the food supplies*" to the guerrillas (Che Guevara, *op cited*, pp122).

In addition to direct taxes the LTTE imposes an array of indirect taxes. The goods being transported to LTTE territory or passing through the LTTE territory to the Jaffna peninsula are taxed at rates ranging from 5% to 25% (*ad valorem* tax). All vehicles in the LTTE territory are required to pay vehicle registration tax. All passengers travelling to the Jaffna peninsula in privately run vans via the A9 highway are subjected to a unit tax of LKR 350 per passenger. Furthermore, the sale of property in the Jaffna peninsula is subjected to taxation by the LTTE. A percentage of the proceeds of sale have to be paid to the LTTE.

The people and businesses in the government held areas of the N&E province are the most affected because both the GOSL and the LTTE subject them to direct and indirect taxation. Thus, in practise, the consumers of the province (who are the majority) are the ones who bear the cost of such dual taxation as these taxes are built into the retail prices. In addition to the foregoing taxes the LTTE demands contributions to their coffer from Tamil and Muslim individuals and businesses from time to time in the N&E and Colombo. Furthermore, Tamil businesses and individuals in various countries are routinely asked to contribute to the tiger coffer. These are carried on even during the time of peace.

The arbitrary nature of these tiger taxes is that no accounts of these resources are shown to the general public. The taxpayers are unaware of how, and for what, these tax revenues are expended. During the times of war these taxes may have been justifiable because of the funds required for the war effort. But, what justification is there for this comprehensive and systematic tax regime during the time of peace? These tiger taxes are stifling entrepreneurship in particular and economic revival in general. Needless to say, the tiger taxes are one of the major impediments to economic revival in the N&E province.

According to the author's judgement at least LKR 5 million (50 lakhs) revenue may be earned by the LTTE **daily** on the A9 highway by way of taxation of passengers and goods. In addition, another LKR 2.5 million (25 lakhs) taxes may be levied **per day** throughout the N&E province (including at Uyilankulam checkpoint) from people and businesses (both Tamil and Muslim). Therefore, the daily total tax revenue of the LTTE in the N&E could be about LKR 7.5 million (75 lakhs). This translates into annual revenue of LKR 2,340 million (2.34 billion) [312 days X 7.5 million]. The LTTE is involved in farming, fishing and several other economic activities as well in the territory under their control. For example, the LTTE is reported to be dominating the fish trade from the Mullaitivu district to Colombo. These productive and entrepreneurial activities yield profits to the LTTE. If we add these profits to their tax revenues the annual domestic income of the LTTE could be at least LKR 3 billion (roughly USD 30 million), which I presume is a very conservative estimate. In addition to this domestic income the LTTE derives income from LTTE run enterprises and tax collected from expatriate individuals and businesses around the world. The revenue mobilised abroad may be used to purchase arms & ammunitions in the international armament markets. Therefore, we shall focus on the domestic revenue. According to the LTTE, the domestic mobilisation of resources during peacetime, through direct and indirect taxes and entrepreneurial activities, are necessary for the upkeep of their cadres. This justification is not convincing, because during the time of war the LTTE managed to maintain their cadres with far less revenue. The opening of the A9 highway and officially undertaking political activities in government control areas of the N&E have provided them a goldmine in terms of tax revenue. Moreover, the different tax rates of the LTTE are very high com-

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pared to the tax rates prevalent in Sri Lanka and that Che Guevara proposes in the *Guerrilla Warfare*. It seems a mystery where the tiger tax revenue is going, because the LTTE does not seems to be involved in providing public services to the people of the N&E whether in the LTTE held or government held areas. In both these areas it is the Sri Lankan government that is providing public services in education, health, agriculture, irrigation, social services, etc, to the people.

In accordance with the MoU unarmed LTTE cadres are permitted to undertake political work in the government control areas of the N&E. To the best of the author's knowledge the LTTE is mostly involved in only four activities in government control areas of the N&E. They are: (a) recruitment of cadres. (b) collection of taxes. (c) commemorating the martyrs and (d) harassing political opponents. While the first, and third may be legitimate activities the other two are unjustified. Disappointingly, the LTTE is not involved in any community or public service in the government controlled areas despite a huge revenue mobilisation effort. The people of Jaffna could be won over only by improving their livelihoods and not by the above activities. The ordinary masses have suffered enormously during the past two decades of war and wish to get along with their lives in tranquillity and dignity.

A state or a de facto-state entity mobilises resources through taxation not only to maintain its cadres, but more so to provide public services to the population living in the territory under their jurisdiction. The LTTE has failed to provide community or public services to the people whom they claim to solely represent both in the areas under their direct control and in the government held areas (which are under the indirect control of the LTTE).

The LTTE has become institutionalised in the N&E province in the past 12 years cultivating thousands of hectares of farmlands, running hundreds of business enterprises, and employing thousands of people. The bulk of the farmlands cultivated by the LTTE were forcibly taken over when the owners of such lands were displaced internally or abroad. Proxies own the bulk of the business enterprises run by the LTTE. A guerrilla army's function is not to cultivate farmlands for commercial purposes (except to feed their own cadres) or run economic enterprises. Again it would be opportune to refer to Che Guevara:

> "*Private property should acquire in the war zones its social function. For example, excess land and livestock not essential for the maintenance of a wealthy family should pass into the hands of the people and be distributed equitably and justly. The right of the owners to receive payment for possessions used for the social good ought always to be respected, but this payment will be made in bonds*" (Che Guevara, *op cited*, pp79-80).

Instead of distributing abandoned farmlands and dwellings to the landless and homeless poor of the N&E province the LTTE appropriates those property with no compensation paid. In this way the LTTE has emerged as a major de-facto property owner in the N&E province.

The LTTE levies taxes on goods being transported via the A9 highway to the Wanni region (encompassing Killinochi, Mannar, Mullaitivu, and Vavuniya districts) or the Jaffna peninsula at their checkpoints in Puliyankulam and Uyilankulam. There are two checkpoints at Puliyankulam; one for people and goods being transported to Jaffna and the other for people and goods being transported to the Wanni. There is a third checkpoint at Uyilankulam for people and goods being transported to Mannar district. These checkpoints are epitomes of inefficiency of the LTTE administration. These checkpoints are overstaffed and several tiger cadres can be seen seated in plastic chairs doing nothing. The passengers have to get signatures from 3-4 persons at various points of the checkpoints to get an entry pass. The goods are taxed at a percentage of the price quoted in the invoice for purchase of such goods in Colombo or elsewhere. The tax assessment is a lengthy procedure, which entails getting checked, rechecked, and verified from 3-4 persons at various points of the checkpoints. This multiple checking demonstrates the non-confidence and suspicion the LTTE has on its cadres.

In the Jaffna peninsula a fear psychosis has set in due to the impending LTTE regime. For example, some businesses in the Jaffna peninsula have hung up two separate clocks in their premise; one showing the old time and the other showing new time. Sri Lanka adjusted the time in 1996 (in order to increase the daylight and save energy) by putting the clock forward by 30 minutes. However, most people in the Northern Province did not adhere to this new time mainly on the request of the LTTE. Most households and business premises still follow the old time, which is 30 minutes behind Sri Lanka time.

The issue of having two separate clocks with old and new times is a typical dilemma faced by the businesses in particular and the people in general in Jaffna. This has profound implications for reviving businesses and kick starting the dormant economy of the N&E. Though it is just a matter of half-an-hour it reveals the uncertainty among the people as to who is in charge of Jaffna; the GOSL or the LTTE. The people are sure of who is in charge of the Wanni (which is the LTTE), and therefore all follow the old time. On the other hand, in the Jaffna peninsula the government offices/institutions and buses operate according to the new time, but private businesses/institutions, Hindu temples, and households by and large operate according to the old time.

The clearest signal of the fear psychosis of the people of Jaffna is that since the opening of the A9 highway there is an exodus of people from the Jaffna peninsula to other parts of the country (not to Wanni), especially to Colombo. According to the records of the Sri Lanka army checkpoint at Muhamalai (which records each and every person entering and leaving the Jaffna peninsula), during the first 7 months after the opening of the A9 highway there has been a net outflow of about 65,000 people from the Jaffna peninsula. Despite a large influx of internally displaced persons (IDPs) from the Wanni and other parts of the country returning to the Jaffna peninsula, the total number of people leaving the peninsula is greater than those entering. What is the cause of this exodus?

The LTTE restricts the movement of people, particularly in the age group of 15-35, from their territory to other parts of the country. Anyone leaving the LTTE territory has to justify her/his travel and obtain a travel pass. It is particularly difficult for obtaining passes for people in the age group of 15-35 years. Though this pass system is a bit relaxed since the signing of the MoU it is still in operation. A lot of

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people expect that this pass system will be re-imposed in the Jaffna peninsula soon after the LTTE takes control of the peninsula in a matter of time. The anticipated LTTE regime has prompted young people (in particular) to leave the Jaffna peninsula, which is ongoing.

The bulk of the migrants are relatively better educated and skilled; therefore, this migration is further depleting the human capital of the peninsula. Thus, the considerable number of net migration is undermining the human and physical capacity of the peninsula to undertake urgently required rehabilitation and reconstruction work. The dilemma faced by the donor community is that even if necessary finance is available there is insufficient human and physical capacity to absorb such donor assistance.

There also seems to be capital flight from the N&E province to the rest of the country (especially to Colombo) in the past one year, because of demands from the LTTE for contributions to their coffer. The LTTE *modus operandi* is as follows. They would approach a supposedly wealthy person and demand a certain amount of money. If that person responds by saying that s/he does not have that amount of money, they would show a bank statement of that person and demand the particular sum. This is not an isolated incident, rather a quite common occurrence. Either the LTTE is able to obtain bank balances of customers through the bank staff or they are intercepting bank statements in the post. Either way the banking customers are terrified and as a safety measure transferring their saving/fixed deposit accounts to branches outside the N&E province particularly to Colombo. This is taking place among both personal and business banking customers in the N&E province.

Since about the mid-1980s, as a response to the spate of bank robberies in the N&E province, all the private banks withdrew their operations from the province and only the state banks (Bank of Ceylon, People's Bank, and National Savings Bank) stay put. Even the remaining state banks operated a skeleton service, by which only a part of the deposits by customers were lent to borrowers and no fresh capital was infused to the banking system from their head offices in Colombo. Due to war, displacement and lack of transport facilities the number of actively banking population in the N&E dropped drastically. As a result only a limited amount of deposits were made. Therefore, as a corollary, the bank lending to personal and business customers dropped drastically.

This practise of lending what the banks obtain in deposits is still carried on in the N&E province. Hence, the capital flight mentioned above depletes the reserves that could be lent to potential borrowers. This may be the main reason for the lack of bank finance to support businesses in the N&E province in the past one year.

It is high time the LTTE realises that the type of regime they propose to impose in the N&E (as demonstrated by their recruitment drive, tax collection, harassment of political opponents, pass system, and time setting) is undermining the economic revival in the province by creating political and economic uncertainty.

The LTTE's judicial system is also a deterrent to prospective investors in the LTTE held areas of the N&E province. The prospective businesses are not certain as to whether the Sri Lankan commercial laws or the LTTE laws would apply to them. If there is a commercial dispute in the LTTE held territory the prospective investor is not sure which law court s/he should approach to resolve the dispute.

Generally, the LTTE's public administration seems to be worse than that of Sri Lanka's. To begin with, the LTTE has not set up an independent administrative structure as such. The LTTE has been using and manipulating the public servants of the GOSL who are stationed in the territory under their control to run a parallel administration. The administrative division of the LTTE is largely manned by retired public servants of the GOSL and inexperienced youths. The former seems idle and inefficient and the latter seem mostly school dropouts. How can such an incompetent and frail administrative system handle the task of rehabilitation and reconstruction?

The police service of the LTTE boasts of maintaining law and order in their areas of control. We are told that there are 17 LTTE police stations in the Wanni, 1 in Batticaloa, and 1 in Trincomalee. It is reported that, on average, the LTTE police receive 15 complaints daily in the Wanni, which pertains to minor offences such as petty thieving, land dispute, and personal fraud. The LTTE police also claim that there is no underworld or gangsters in their territory (*Virakesari Illustrated Weekly*, 06-10-2002).

The author is not surprised at these claims for the following reasons. Firstly, there is hardly any incentive for crime to take place in the Wanni because almost everybody is ultra poor and income inequality is very low. The Wanni is like the plantation sector where absolute poverty is rampant, but income inequality is the lowest in the country. Usually the crime rates are high where income inequality is high. The people of Wanni are at a very low-level equilibrium whereby severest form of poverty coexists with very much less income inequality (*a la* Albania during communist times). Hence, there is no incentive for crime to take place. Secondly, the reason for lower number of complaints received may be due to non-reporting of crimes/offences. This non-reporting in turn may be due to non-confidence in the LTTE police and their judicial system. The claim that there is no underworld or gangsters in the Wanni is understandable because prospective gangsters may have been absorbed into the LTTE.

Therefore, the low crime rate in the Wanni as claimed by the LTTE police does not seem to be a manifestation of their efficiency or control over the population rather it could be a manifestation of lack of confidence in their police and judicial services. The police and judicial services of the LTTE are yet another major impediment to economic revival in the LTTE held areas of the N&E province.

The Tamil Eelam Economic Development Organisation (TEEDO) claims that it is due to their development activities the people of the Wanni were rescued from starvation during the time of economic embargo between 1996 and 2001. This claim seems to be very unconvincing. The people of the Wanni escaped from starvation during the severe economic embargo because of the assistance provided by international relief organisations such as the UNHCR, WFP, Care International, Oxfam, *et al*, and the GOSL. The role of the TEEDO in cushioning the negative impacts of the economic embargo was marginal, if at all.

Despite huge revenue collection by way of various direct/indirect and ad valorem/unit taxes the LTTE has not embarked on any socio-economic programmes in the N&E province whether

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in their own territory or in government controlled territory. Strangely, the LTTE is expecting the GOSL and the external donors to undertake rehabilitation and reconstruction work. In spite of numerous public pronouncements about LTTE's proposed development plans for the N&E province (*Thinakural*, 23-12-2002, pp6; *Uthayan*, 21-12-2002, pp1; *Virakesari*, 10-09-2002, 14-12-2002, 17-12-2002) it has not forwarded any rehabilitation and reconstruction plan for the N&E or how it intends to fund such programmes.

In respect of the LTTE policy of harassing political opponents in the N&E it may be useful to reflect on the wisdom of Che Guevara:

"*.....It is necessary to distinguish clearly between sabotage, a revolutionary and highly effective method of warfare, and terrorism, a measure that is generally ineffective and indiscriminate in its results, since it often makes victims of innocent people and destroys a large number of lives that would be valuable to the revolution. Terrorism should be considered a valuable tactic when it is used to put to death some noted leader of the oppressing forces well known for his cruelty, his efficiency in repression, or other quality that makes his elimination useful. But the killing of persons of small importance is never advisable.....*" (Che Guevara, *op cited*, pp62-63). "*We sincerely believe that terrorism is of negative value, that it by no means produces the desired effects, that it can turn a people against a revolutionary movement.....*" (Che Guevara, *op cited*, pp140).

It is also interesting to note that despite huge collections of tax revenue the LTTE has requested the government for financial assistance to open its peace secretariat in Killinochi. It has also asked for import duty exemption from the Ministry of Finance for the import of FM transmitter and accessories (to run a FM broadcasting service) and a VSAT communication unit, which was reportedly rejected by the Ministry of Finance. In this circumstance, the taxpayers to the LTTE would like to know where the tax monies are going.

The LTTE is in possession of satellite communication for past several years, and therefore the need for another VSAT communication unit (that too duty-free) remains unexplained. Are there no more important and urgent needs of the masses? Communication and dialogue are essential prerequisites for conflict resolution. Therefore, the LTTE's FM broadcasting service is timely, but certainly not the duty exemption obtained by courtesy of the Norwegian embassy. Whilst acknowledging the paramount importance of communication and dialogue we only hope the FM radio broadcasting would be utilised for the professed purpose. The most potent weapon of the LTTE has not been its suicide bombers, rather its very effective propaganda. On the issue of propaganda it is appropriate to reflect on a bit of advice for the LTTE from Che Guevara:

"*One of the characteristics of revolutionary propaganda must be truth. Little by little, in this way, the masses will be won over*" (Che Guevara, *op cited*, pp 131). "*.....observing always the fundamental principle that truth in the long run is the best policy*" (Che Guevara, *op cited*, pp145). "*The radio is a factor of extraordinary importance..... However, the radio should be ruled by the fundamental principle of popular propaganda, which is truth; it is preferable to tell the truth, small in its dimensions, than a large lie artfully embellished*" (Che Guevara, *op cited*, pp146).

There is also anecdotal evidence of the LTTE appropriating building materials destined for the returning IDPs in the Wanni. Good quality building materials sent by donors to put up shelter for the returnees are reported to be replaced with thatched huts. It is also known that the LTTE demands a percentage of the tender from contractors who undertake construction work (shelter, roads, rehabilitation of irrigation tanks, etc) in the areas under their control. Such types of appropriation taking place during peacetime is unacceptable and a behaviour unbecoming of the sole representatives of the Tamil nation. In this background, it is not advisable for the GOSL and the LTTE to be the joint custodians of the donor funds earmarked for immediate humanitarian needs and rehabilitation (and beyond) in the N&E, because the track record of both in managing donor funds is poor.

On December 01st the LTTE banned the transport of historical and cultural artefacts from the Jaffna peninsula to the southern parts of the country on the pretext of preserving the symbols of the history and culture of the Tamil nation. Included in this list of banned items are statues/figurines of Hindu religious idols, heirlooms, memorabilia, bronze metal vessels, *ola* leaf manuscripts, vintage cars, window/door frames and antique furniture (*Virakesari*, 01-12-2002; North Eastern Herald, 06-12-2002, pp1). Although there is some rationality in banning the commercial exploitation of historical and cultural artefacts, the banning of the transport of vintage cars, window/door frames, and antique furniture are unjustifiable simply because they have nothing to do with the history and culture of the Tamil nation. The vintage cars of Jaffna (Austin A40, Morris Oxford, Morris Minor, etc) are a relic of British colonialism in Sri Lanka. Likewise, window/door frames, and antique furniture found in Jaffna are a relic of Dutch colonialism in Sri Lanka. Hence, to ban the transport of these items in the pretext of preserving the history and culture of the Tamils is absurd. Furthermore, the LTTE seems to be playing the nationalist card as and when it suits their political ends, because the LTTE members (including the ones from the Wanni) don western attire while taking part in the peace negotiations with the GOSL.

The act of banning the transport of above items seems to be a manifestation of economic nationalism practiced by the LTTE ever since 1990. The LTTE's economic policies such as self-reliance control of markets, etc, smacks of economic nationalism. It is high time the LTTE spells out its economic philosophy unambiguously. This is vital for the economic resurgence of the N&E province. The imposition of taxes, prohibitions, etc, in ad hoc manner creates uncertainty among prospective investors in the province. No business can prosper in uncertain conditions and no economy can progress under economic nationalism.

Due to the insular economic policies followed by the LTTE in the past 12 years in the areas under their control the majority of the entrepreneurial class has migrated (either voluntarily or involuntarily) from the N&E to the rest of the country (especially to Vavuniya, Colombo and suburbs), particularly the Tamils and Muslims. It is important for the LTTE to create a con-

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ducive environment for those who were displaced to re-establish their businesses and invite them to return to their places of origin. Although the LTTE has invited the Muslim traders who were expelled (with just 24 hour notice) from Jaffna and Mannar districts in 1990 to return it was too little too late. The LTTE should go further and pay compensation to these entrepreneurs for the arbitrary and unjust expulsion, because it is the LTTE who ransacked the business premises and homes of the fleeing Muslims. This is the only way to show remorse and instil confidence among the largest minority community in the N&E.

Another group of people the LTTE should encourage to return to their homeland is the Tamil expatriates who had fled the country during the past 20 years. These Tamil expatriates could bring in their skills, knowledge and capital, which are woefully lacking in the N&E. However, these expatriates are accustomed to an entirely new way of life; including freedoms of thought, expression, and movement, which they would expect to enjoy here as well. Therefore, it is the duty of the LTTE to ensure such freedoms should the expatriates decides to return to their homeland. The foreign donors also will be hesitant to put their money where there is no accountability, transparency, and political and economic freedoms.

On the one hand, justifiably, the LTTE is demanding the Sri Lankan armed forces to vacate the private dwellings occupied by them in the N&E province without payment of compensation, particularly in Jaffna. But, on the other hand, the LTTE is occupying deserted private dwellings in Jaffna without payment of compensation. More so, presently the LTTE is inspecting several private dwellings in numerous towns and villages in Jaffna to take over. In this respect the predicament of the Jaffna people has not much changed during the current peacetime. Disturbingly, the people of Jaffna are faced with a situation where one tyranny is replaced by another.

Recommendations and Conclusion

The following recommendations are made in order to revive the dormant economy of the N&E after 20 years of civil war:

1. The Sri Lankan armed forces should drastically reduce the size of the high security zones in the N&E province, especially in the Jaffna peninsula. This issue cannot be absolved in the pretext of national security. The national security was not threatened during the period 1990-1995 when the Sri Lankan army was confined to the Palaly base in the peninsula. It is very important for the Sri Lankan security forces to vacate all private dwellings and lands in the N&E province in order to win the hearts and minds of the population. It is also vital to withdraw fully from the city centre of Jaffna in order to boost business.
2. Remaining restrictions on fishing in the N&E should be removed forthwith.
3. The A9 highway should be open 24-hours a day, 7 days a week. Further, checking of goods on the A9 should be restricted to just two points (one by the Sri Lanka Army and the other by the LTTE) from the present four points.
4. The traders in the N&E should be able to engage in import/export trade directly. That is, they should be able to open LC at the banks in the province. Besides, the Kankesanthurai and/or Point Pedro harbours in the Jaffna peninsula should be developed and made available for import/export trade directly with the rest of the world in general, and with India in particular. For example, imports from India directly to the Kankesanthurai and Point Pedro harbours would considerably reduce transport cost. At the moment only cement is imported directly to the Point Pedro harbour from India under an Indian credit line. Kankesanthurai harbour is out of bounds for commercial purpose because of a Sri Lanka naval base there.
5. The commercial banks (both state and private) in the N&E province should be proactive in promoting businesses and productive activities with flexible lending policies. Special circumstances such as in the N&E warrant special services.
6. The LTTE should refrain from taxing people in the N&E. Instead it should ask for sponsorship from businesses for community and social services for the needy.
7. The LTTE should annually publish the donations/taxes they receive locally and from abroad and how they are expended.
8. The LTTE should dramatically improve their governance – indiscriminate recruitment, harassment of political opponents, occupation of private dwellings without due payment should stop forthwith.
9. The LTTE should desist from undertaking economic activities and running a parallel public administration (including police and judiciary) in their areas of control. They should exclusively concentrate on what they have been doing very successfully in the past two decades; that is, defending the Tamil nation. Fighting a war is hugely different from managing an economy and running a public administrative system. The latter two tasks require completely different skills and knowledge, which the LTTE woefully lacks.
10. In general, the LTTE should drastically reform itself in order to qualify to solely represent the nation of Tamils.

If the two protagonists of the civil war in Sri Lanka, viz. the LTTE and the Sri Lankan armed forces, fail to remove the institutional impediments to economic revival in the North&East province identified in this paper it may be worth exploring the possibility of inviting an United Nations Peacekeeping Force to be stationed in the province for the sake of the wellbeing of the people and the economic prosperity of the Tamil nation of Sri Lanka.

Related writings by the author:

1. "Doing Business in the North&East Province of Sri Lanka: Problems, Opportunities and Challenges", June 2002.

"Tigers, Taxes and the Tamils", June 2002.

* A paper presented at a seminar at the University of Jaffna on January 25, 2003.

Ó Research Fellow, International Centre for Ethnic Studies, Colombo, Sri Lanka. The views expressed in this paper are those of the author and not of the ICES. Corrections, comments, and suggestions are welcome to 02, Kynsey Terrace, Colombo-08 or sarvi@slt.lk

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About People and Events

OBITUARIES

Mr. Sabapathy Chelliah

Born: 11.12.1911 Died: 31.12.2002

Mr. Sabapathy Chelliah *of Mulliyawalai, Mullaitivu, Sri Lanka; beloved husband of Packiam who sadly misses and fondly remembers him; loving father of Nagammah, Siva-rajah (Assistant Director of Education), Thangaluxmy, Dr. (Mrs) Kamalam Subramaniam (Medical Officer, London) and Sinnarajah (Teacher); father-in-law of Sivarajah (Teacher), Nesarajadevi, Ratnasingham, Subramaniam (British Government National Health Service, London) and Jamuna; grandfather of Ranjana, Sutharsana (Teacher), Sangavai, Kangeiyanan, Kasthuri, Pahinthan, Janarthy, Deluxy and three great grandchildren passed away peacefully at the age of ninety three (93) at his family residence. – Mr. P. & Dr. (Mrs) S.Subramaniam, "Shanmugeswarar Akam",4 Clarendon Gardens, Stone, Dartford, Kent DA2 6EZ.*
Tel: 01322 225462.

IN MEMORIAMS

The Tenth Year Remembrance

Mrs Sarojini Devi Sunthareswaran
(Nee Muthilingasamy)
Born: 20.06.1945
Died: 01.02.1993

Sadly missed and remembered with much love and admiration by

Husband, children: Sudharshini, Nishan and Romeshan, Mother: Parwathy (Colombo), Brothers: Sivarajah (Croydon), Sivakumar (Houston), Sisters: Arunthathy Pararajasingam (Sydney) and families. – Mrs. S. Peat, 22 Paddick Drive, Lower Early, Reading RG6 4HH.

First Death Anniversary of late Mr. Suppiah Kanagalingam

Born: 12.01.1922
Died: 27.02.2002

In ever loving and precious memory of Mr. Suppiah Kanagalingam, formerly of Ceylon Theatres on the first anniversary of his passing away on 27th February 2002.
Dearly missed and remembered with love and affection by his beloved wife Pavalam; loving children Jayanthi Lingabala, Skanthabalan, Shanmugabalan, Kuhabalan, Suganthi and Amirthi; sons-in-law Balendra, Dr. Sivanesan and Yogeswaran; daughters-in-law Vasuki, Ilamanthi and Vasanthakumari; grandchildren Karthika, Kavitha, Archana, Vibushna, Myuresh, Kumaresh, Sandra, Robert, Josephine, Kishanie, Nirushan, Shivanthan, Vimalan, Keerthana, Shankari and Gajan; great grandchild Kumaran. - 9 Fosseway, Lichfield, Staffordshire WS14 0AD, Tel: 01543 417 744.

"Loving memories of you are held close to our hearts"

Mr. Chelliah Sivasampu

In loving memory of ***Mr. Chelliah Sivasampu*** *on the eleventh anniversary of his passing away on 9th March 1992.*
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Fifth Death Anniversary
Mrs Pakiaratnam Kandiah

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Fourth Death Anniversary
10.02.2003

Mrs. Regina. Rajanayagam

Sadly missed and fondly remembered by her beloved husband Rajanayagam; brothers Ratnam, Jesudasan, Anton James and Prince; sister Cecilia Lawrence; brothers-in-law Dr. Arasaratnam and Nadarajah; sisters-in-law Mrs Anula Arasaratnam, Mrs Parames Selvaratnam and Mrs. Mahes Sivayoganathan; niece Shamini and nephew Anton.
- 13 Arbuthnot Lane, Bexley, Kent DA5 1EH.

Sixth Death Anniversary

Mohandas . K. Samuel
(18.1.35 - 4.2.97)

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Sadly missed and lovingly remembered by wife Utaiwan, children Monti, Manee and Mike; son-in-law Allan; grandsons Nicolas and Colin; mother Rasamanie, sister Chandra, brothers Indran and Peter and their families.

The Fourth Anniversary
Mrs Sakthiamma Kanaganayagam

The fourth anniversary of the passing away of ***Mrs Sakthiamma Kanaganayagam,*** *wife of the late Senator S.R.Kanaganayagam falls on 27th February 2003.*
She is remembered with deep love and affection by her children, their families, nephews, nieces and a wide circle of friends.
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Thanabalasingham Pararajasingham **Sivagamasoundaram Pararajasingham**

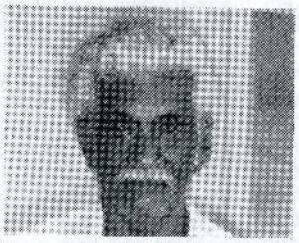
In ever loving memory of our dearest Aiyah and Amma who departed this world an year and five years ago respectively. We are grateful to God Almighty for blessing us through the love and affection of the two great souls for so long.

Life goes on, but you will always be missed

Your ever loving children, son-in-law, daughter-in-law, nephews, nieces, grandchildren and great grandchildren.
- 285 Malden Road, New Malden KT3 6AH.

Third Year Remembrance

Mr. Canagaratnam Balendra



In loving memory of Mr. Canagaratnam Balendra on the third anniversary of his passing away on 18th February 2000.

Sadly missed and fondly remembered by his beloved wife Parameswari; loving daughters Balini, Anushia and Damayanthi; sons-in-law Chelvayogan, Balendran and Sivamohan; grandchildren Gomathie,Meena, Athavan and Anjali.
- 4732 Scenic View Road, Lexington, Kentucky 40514, USA.

Forthcoming Events

Mar 1 *Maha Sivaraththiri; South London Tamil Welfare Group (SLTWG) Drop in Tel: 020 8540 3285; Feast of St. David, Patron of Wales*
Mar 2 *Amavasai*
Mar 4 *Feast of St. Casimir*
Mar 6 *Sathurthi*
Mar 8 *Shashti; Feast of St. John of God*
Mar 9 *Karthigai; Feast of St. Francis of Rome*
Mar 14 *Sukkla Eekathasi*
Mar 15 *SLTWG Drop In. Tel: 0208540 3285*
Mar 16 *Pirathosam*
Mar 17 *Full Moon; Feast of St. Patrick, Patron of Ireland.*
Mar 18 *Pankuni Uththiram; Feast of St. Cyril*
Mar 19 *Feast of St. Joseph*
Mar 21 *Sankadakara Sathurthi*
Mar 23 *Feast of St. Turibius*
Mar 25 *Feast of the Annunciation of the Lord, Jesus Christ*
Mar 29 *Krishna Eekathasi*
Mar 29 *Pirathosam*

Please Note

Apr 12 *Saturday 11 a.m. Colombuthurai Yoga Swamigal Abhisekham and Guru Poo-jah followed by Prasatham at Sree Ganapathy Temple, 123 Effra Road, London SW 19. All welcome.*
At Bhavan Centre, 4A Castletown Road, London W14 9HQ. Tel: 020 7381 3086/4608 - Website:www.bhavan.net.
Mar 1 *6 p.m. Maha Sivaratri Celebrations – Devotional songs, traditional puja and Prasad. All welcome.*
Mar 16 *5 p.m. Holi Celebration with a mix of Dance, Colour, Costume and Music.*
Mar 28 *to* ***Apr 4*** *– Karnatic Vocal Music Workshop by Prof. T.V.Gopalakrishnan*
Mar 30 *6 p.m.*

Siva Bhumi (Jaffna) Cancer Aid Concert – Karnatic Vocal by Krishni Ramesh – A promising young student at the Bhavan.

WEDDING BELLS

We congratulate the following couples on their recent wedding.

Dr. Sadhish Kumar, *son of Dr. and Mrs Sivananthan of 2330 Bridletown Circle, Unit 2007, Toronto M1W 3P6, Canada and* ***Dr. Anbu*** *daughter of Mr. P and Mrs. S. Somasundaram of 48 Claverdale Road, London SW2 2DP on 1st November 2002 at ' The Classic Room, The Paradise Banquet Hall, Concord, Ontario, Canada.*

The bride's parents held a well attended reception at Royal Memorial Hall, Norbury, London SW16 on 28th December 2002. They wish to thank all their friends and relatives, who kindly responded to their invitation.

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Jeevarani Shanthini, *daughter of Mrs Leela Navaratnam and late Dr. Joseph Navaratnam and* ***Anton Gerrard,*** *son of Mr. Wilfred and Mrs. Mary Nacholas on 1st February 2003 at St. Pauls Church, Milagiriya, Galle Road, Colombo 4, Sri Lanka.*

Sivaanujan, *son of Mr. & Mrs.S. Sivanathan of 34 Wilcock Street, Andross 6153, Western Australia and* ***Subathra,*** *daughter of Mr. & Mrs S. Puwanachandran of 27/2, 5th Lane, Colombo 3, on 6th February 2003 at 'Liberty Ballroom', Holiday Inn Hotel, Colombo3.*

Suresh's Bharathanatyam with a Vision

Friday the 13th September 2002 was a blessed day for many when the 'good vision of the youth' took to the fore and all the hard efforts of young Suresh culminated into a good day for the needy children of Sri Lanka. It was at the Beck Theatre in Hayes, Middlesex that Suresh Swaminathan took to the stage to perform for the first time in the UK following his arangetram at the New Kathiresan Hall in Colombo, about nine months earlier. This time it was to be a charity event.

On his return from Sri Lanka, having seen the hardship endured by the people, mainly children, in the war-torn homelands, Suresh embarked on a 'mission with a vision'. He wanted to stage this performance to raise funds to assist the needy with the help of his committed parents, Dr. and Mrs. Swaminathan of Radlett. Hertfordshire and in association with the Tamil Union of Herts, of which the family has long been active members.

The auditorium was packed to capacity and the stage was treated to some imaginative, simple but charming arrangements. Suresh was presented by his gurus Smt. Pushkala Gopal on Nattuvangam and Sri Unnikrishnan of Mudralaya. They were accompanied by the young and talented vocalist Yadavan, the Miruthangam maestro himself Bavani Shankar, illustrious Indian musicians Sri Ragavaraman (flute) and Sri Bangalore R. Raghuram (violin) and another successful home product Smt Meera Shanthikaram on veena. Together they were able to produce a marvellous fusion of musical sounds that set the standard for what was to follow.

The repertoire was well balanced and beautifully guided by the compere Divya Krishnamoorthy. It commenced with Vinayaka Sthurthi – a homage to Lord Ganesha – which was a real treat, a subtle, melodic delivery by Yadhavan. That prompted the first dance Nandhisa Panchakam depicting Nandhikeswara, the disciple of Lord Shiva, who is an eternal participant in the Ananda Nadanam holding maththalam in his hands. The rhythmic and swaying attributes of this dance were beautifully evoked by the dancer. This was followed by Jathiswaram and Nrithyopaharam. There was ample evidence of Suresh's dedication and devotion to this fine art during the performance as he was well able to deal with the various rhythmic patterns and facial expressions with very neat footwork and excellent sense of rhythm.

After the intermission, Suresh performed Kirthanam, then Ashtapadi followed by Patham and the exciting finale Thillana - pure dance with exciting rhythmic explorations. This Thillana was composed by Suresh's guru Smt. Pushkala Gopal using the Sanskrit text of Brahmashiri Kailasanatha Kurukkal – Suresh's grandfather- and is dedicated to Vadivambikai of Munneswaram. With great confidence and enjoyment once again, he was able to grace the fascinating elements of Bharathanatyam such as rhythm, abhinayams and mudras rather eloquently. The demand of power and stamina were met with relative ease. Suresh's understanding and portrayal of the emotions and compassion were outstamding.

The programme was brought to a final climax of speed, fluid movement and good sense of rhythm and Suresh held the appreciative audience spellbound to a fine finish at the end of an enthralling evening.

The Tamil Union of Herts *founded in 1983, has been in the forefront of the various organisations championing the cause of the needy Tamil-speaking people in Sri Lanka. The Union's charitable efforts have financially benefited many initiatives for disabled people, educational institutions, rehabilitation centres, orphanages, refugee homes and human rights organisations. The Union has all along, in its small ways, been able to muster on average two thousand pounds a year for its charitable purposes. With our gratitude and encouragement, if the vision of youngsters like Suresh is kept alive, the hopes and spirits of the needy will always be burning bright. Well done Suresh.*

- Logan Rasiah

Mr.Rajaratam Thanabalasooriyar

An Appreciation

Mr.Rajaratam Thanabalasooriyar, fondly known as Thanabal by friends and colleagues, born on 10th December 1923 in Vaddukoddai, Srilanka passed away on 2nd January 2003. After his primary education at Jaffna College, Vaddukoddai, he joined St. John's College, Jaffna, when his parents moved to their ancestral home in Nallur behind the famous Kandasamy Temple. He left St. John's College in 1940 and when World War II broke out joined the CGA Battalion of the Ceylon Army and had risen to the rank of Sergeant Major when he was demobilised. Thanabal joined the Ceylon Government Railway as an Under Guard on 1st September 1946 and retired as a Class I, Head Guard after 35 years of loyal and devoted service.

On 27th August 1952, Thanabal married Menakai and they were blessed with a daughter and two sons. After retirement he and his wife migrated to UK to join their children and their families. He was a founder member of the Srilanka Railway Past Employees Welfare Association and took a keen interest in its activities till he fell ill in 1999. Even after being confined to a wheel chair, he partook of most of the social activities of his friends and relatives with the loyal support of his wife and children.

Thanabal was a dedicated social worker and his life was marked by his friendly attitude to those around him. He gave valuable support to all those who approached him for help especially those Tamils displaced from their homes in Srilanka. He was sincere, honest and genuine and bore an unblemished character, a self effacing personality of unassuming manners.Thanabal and Menakai celebrated their golden wedding anniversary in a grand manner on 31st August 2002. I was privileged to take part in these celebrations and spoke as a longstanding friend of Thanabal having studied with him and known him intimately at St. John's College and in the railways where both of us worked.

Thanabal was a loving husband, proud father and affectionate grandfather, who valued friends and friendship and was a good samaritan too. The members of the Srilanka Railway Past Employees Association join my wife and myself in conveying our heartfelt condolences to his loving wife, children and other members of the family and pray that the Almighty would grant them the inner strength to bear this irreparable loss. The large gathering present at his funeral on 5th January was undoubtedly a testimony of the respect, regard and love they had for him.

May his soul rest in peace.

- M. Balasundram

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Mr.C.Viyakesparan

An Appreciation

The sudden and untimely passing away of Mr. Canagasabai Viyakesparan, fondly known as Viyakes by family and friends, on 13th December 2002, came as a shock to everyone who knew him. He was born on 29th April 1932 in the village of Alaveddy in Jaffna, the only other sibling being his sister Viyageswari. He had his primary education at Alaveddy Arunothaya School followed by the secondary education at Badulla Uva College, Kalmunai Fatima School and finally at Batticaloa St. Michaels.

Viyakes did his higher education at the Ceylon Technical College, Colombo and qualified in Motor Engineering.

His first employment was at the Trade and Transport department of the Jaffna Cooperative. Soon afterwards he was promoted to the post of Manager and gained a reputation of being a friendly and patient person, well liked by all who came into contact with him. These qualities of friendships and associations continued into his life in England until the last.

He married Neelambal, youngest daughter of Mr.& Mrs. Sittampalam on 24th October 1960 and they were living happily in Sandilipay, when their eldest son Jivit was born. In 1962, Viyages proceeded to London and while he was studying Automobile Engineering, had an opportunity to join Camden Libraries. He found this employment enjoyable and satisfying and called Neela and children (Branavan was born in 1963) over to join him.

Life in UK was certainly not a bed of roses. With sheer determination and courage, he was able to overcome all obstacles and establish himself. Interestingly he took a daring step in 1969 – this time to return with his family to Sri Lanka to acquaint his children with their roots and in the hope of settling there. This period witnessed the entry of Senthuran. After a short sojourn, he returned to the UK, went back to his former employment and re-established the family. His interest in furthering the education of his three sons was of paramount importance and he was happy during his retired life that he had made the correct decision to get back to the UK. His sons are now highly qualified professionals and he was justifiably proud of them.

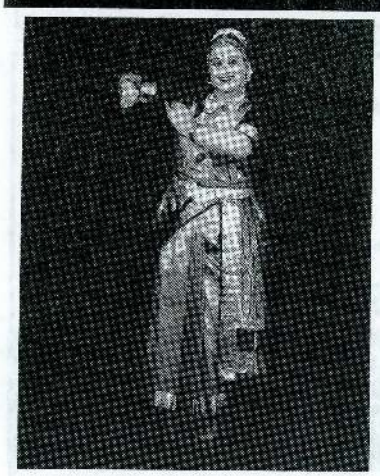
Besides his inimitable ways and warm smile, he was highly methodical and regularly contacted his old friends and relatives. He always maintained a patient and calm nature and endeavoured to be helpful to them and is badly missed by them. Despite their long stay in the UK, Neela and Viyages successfully maintained their cultural traditions intact – a rare achievement to their credit.

Viyages is no more, but fond memories of him will always be with us. Our heartfelt condolences and deepest sympathies go to his loving wife Neela; sons Jivit, Branavan and Senthuran; daughters-in-law and grandchildren who adored him.

May his soul rest in perfect peace

S.P.Pathmanathan

Kumari Shivashankari's Bharatha Natya Arangetram



Kumari Shivashankari, student of Smt. Gunavathy Shakespeare had her Bharatha Natya Arangetram on the 5th of October at the Logan Hall, University of London. Her performance was of a very high standard and she held the audience absolutely spellbound from beginning to end, supported by an excellent and renowned team of musicians led by the famous Aravindakshan from Chennai, other accompanying artists being Shri Balachandar on Mirudangam, Shri Shiva Ganesh on Violin, Pitchaiappah Gnanavarathan on Flute and Kumari Abirami Gnanasambandan on Veena.

The performance commenced with Ganesh Vandanam in praise of Lord Ganesh in the dynamic Raga 'Nattai' followed by Alarippu. Thereafter Shivashankari's excellence in rhythm, Tala and neat footwork was seen in the elaborate Jathiswaram in 'Saveri' Rupaka Tala, while the Shabdam in Ragamalikai Tala Misra Chapu beautifully demonstrated her skill in abinaya describing Lord Muruga depicting his different stages in life. The most challenging item of the evening was the Varnam 'Roopama Joochi' in Thodi Raga Adi Tala, choreographed by Kalakshetra fame Smt. Rukmani Arundale. Indeed this demanding piece was portrayed most skilfully by the young dancer invoking Lord Shiva to grant her salvation as his devotee. Shivashankari stunned the audience with her impeccable rhythmic sense, pure dance, grace and charm.

The second half of the performance commenced with the Keerthanam 'Ananda Koothadinar' Raga Irushabapriya Tala Adi. Here, she delighted the audience greatly so much so that the Guest of Honour Dr Niththyananthan paid tribute to Shivashankari that she was none other than the cosmic dancer Lord Natarajah dancing in the Golden Hall. The next item the Padam in Ragamalikai Adi Tala was a contrast, a much appreciated song 'Shri Chakra Rajasimhasaneshwari' was dedicated to Shivashankari's family Temple in Sri Lanka and the audience were totally captivated by her bhava.

The piece that followed was indeed a treat to the audience as Shivashankari brilliantly interpreted the miracles performed by Lord Vishnu - with her swift skilful footwork, abinaya and grace together with the expert rendering by the musicians, the ever popular Keerthanam 'En Palli Kondeer Iyah?' in Ragamalikai Adi Tala. The programme was ably compered by Mr Wimal Sockanathan and the vote of thanks was given by Shivashankari's brother Chenduran.

The Chief Guest Smt. Balasundari Prathalingam and the Guests of Honour Dr Niththyananthan and Mr Moorthy, former High Commissioner for Sri Lanka in UK paid tribute to the dedication and skill of the young dancer, the Guru, Musicians and Parents. The Arangetram drew to a close with the Thillana, in Parasu Tala Adi, a joyful exuberant dance with sculptural poses and rhythmic footwork. The grand finale in the repertoire was a Bhajan for Lord Bhagawan Shri Sathya Sai in Hindolum Adi Tala - 'Dhimiki Dhimiki Dhim' followed by the Aarthi Bhajan which was performed with pristine sacredness by Shivashankari, which moved the awe stricken audience - Sai devotees to shed tears of joy.

Logan Hall was filled to capacity and the whole programme was greatly enjoyed by the appreciative audience and made it a very special evening for all. Shivashankari's parents Dr and Mrs Shanmuganathan can be very proud of their daughter's achievement.

- Kannan

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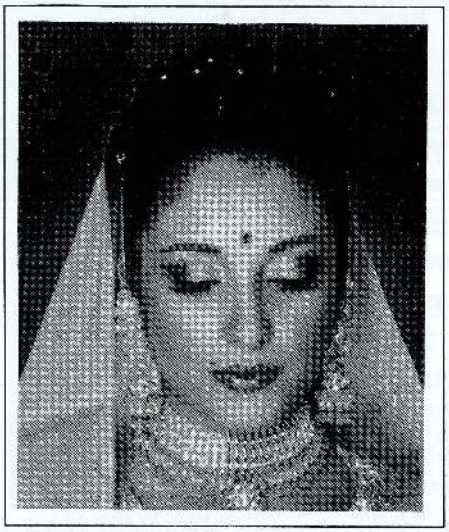

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